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# Live Stock Sanitary Laws of Montana

*also*

**Rules *and* Regulations *and* Orders  
*of the***

**Montana Live Stock  
Sanitary Board**

17-27482

**October 1, 1917**



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*of the*

Montana Live Stock  
Sanitary Board

*Montana Laws, statutes, &c.*

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The rules and regulations of the Montana Live Stock Sanitary Board follow as closely as possible the rules and regulations of the United States Bureau of Animal Industry.

Credit for all instructions and quotations obtained from the Bureau of Animal Industry is hereby acknowledged.

All proclamations and orders heretofore promulgated but not contained in this phamplet have been recinded.

W. J. BUTLER.

D. of D.

JAN 9 1918



# MONTANA LIVE STOCK SANITARY BOARD.

J. H. BURKE CHAIRMAN HOGAN, MONTANA  
DAN. J. DONOHUE, M. D. VICE-CHAIRMAN BUTTE, MONTANA  
W. J. BUTLER, D. V. S. SECRETARY HELENA, MONTANA

## State Veterinary Surgeon

DR. W. J. BUTLER

## Chief Deputy State Veterinary Surgeon

DR. E. D. NASH

## District Deputy State Veterinary Surgeons

DR. C. A. HATTERSCHEID	Glendive	In Charge	District Nos. 1 and 3
DR. O. J. JOHNSON	Miles City	In Charge	District No. 2
DR. N. B. SMITH	Billings	In Charge	District No. 4
DR. H. F. WILKINS	Lewistown	In Charge	District No. 5
DR. J. W. RICHARDSON	Malta	In Charge	District No. 6
DR. E. D. NASH	Helena	In Charge	District No. 7
DR. N. T. GUNN	Butte	In Charge	District No. 8
DR. C. H. WIGHT	Great Falls	In Charge	District No. 9
DR. J. C. BOYD	Helena	Special Deputy on Tuber'n Testing	

## District Sheep Inspector

JOHN C. TAYLOR, Bynum, Montana

## Resident Deputy State Veterinary Surgeons

Dr. G. R. Bach, Medicine Lake	Dr. F. M. Nelson, Colubus
Dr. H. L. Brawner, Livingston	Dr. W. D. Newton, Ringling
Dr. A. H. Cheney, Polson	Dr. C. T. Norman, Townsend
Dr. O. L. DeVore, Bozeman	Dr. L. A. Nutting, Great Falls
Dr. F. N. Frisch, Glasgow	Dr. W. C. Orr, Red Rock
Dr. F. S. Gray, Miles City	Dr. R. A. Rathbun, Scobey
Dr. W. H. Gahagan, Warden	Dr. F. B. Remer, Stanford
Dr. W. J. Hartman, Bozeman	Dr. E. A. Rein, Lewistown
Dr. L. G. Helterline, Plains	Dr. J. N. Reynolds, Columbia Falls
Dr. F. T. Hull, Conrad	Dr. E. H. Riley, Bozeman
Dr. M. E. Knowles, Helena	Dr. H. M. Schultz, Lewistown
Dr. A. D. Knowles, Missoula	Dr. L. P. Sharp, Moore
Dr. A. T. Knowles, Missoula	Dr. C. E. Steinberg, Chinook
Dr. J. H. Knox, Great Falls	Dr. C. H. Stevens, Stevensville
Dr. C. F. Leslie, Kalispell	Dr. G. E. Thomas, Baker
Dr. A. H. Mehn, Harlowton	Dr. R. C. Timmons, Havre
Dr. C. E. Mock, Rygate	Dr. G. L. Utley, Twin Bridges
Dr. A. C. Morrow, Dillon	Dr. I. W. Vinsel, Plevna
Dr. Fred Moran, Fairfield	Dr. Howard Welch, Bozeman
Dr. E. S. Mohr, Plentywood	Dr. J. D. C. Wipf, Belgrade
Dr. J. F. Mitchell, Anaconda	

## Chemist

DR. EMIL STARZ, Helena

## Clerk

FRED A. MOTZ, Jr.



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# Live Stock Sanitary Laws of Montana

## CHAPTER 157—SESSION LAWS 1917.

A BILL FOR AN ACT ENTITLED: "An Act to Provide for the Appointment of the Members of the Live Stock Sanitary Board and Prescribing Their Powers and Duties; to Provide for the Appointment of Deputy State Veterinary Surgeons, Inspectors, Specialists, and Other Agents of the Board and Prescribing Their Powers and Duties; to Provide Regulations and Methods for the Eradication or Prevention of Disease in Domestic or Other Animals, Their Quarantine, Inspection and Treatment; to Provide for the Destruction of Animals Diseased or Exposed to Disease, Together with the Destruction of Other Property, and Compensation Therefor; to Regulate Public Buck Herds; to Provide for Tuberculin Testing of Dairy Cattle, and Other Regulations for the Protection of Domestic Animals and Live Stock; to Prescribe Penalties for the Violation of this Act and to Repeal Sections 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, and 1903 of the Revised Codes of Montana, 1907; Chapter 146 of the Session Laws of 1911; Chapters 68, 90, and 123 of the Session Laws of 1913; and Chapters 9 and 140 of the Session Laws of 1915."

**Be It Enacted by the Legislative Assembly of the State of Montana:**

**Section 1. Creation of Live Stock Sanitary Board.** The President of the Live Stock Commission, the President of the State Board of Health, and the State Veterinary Surgeon shall, ex-officio, constitute a Board to be known as the Live Stock Sanitary Board. The Board shall have the powers and perform the duties hereinafter defined, and a majority of the Board shall constitute a quorum for the transaction of business. The Board shall organize by electing one of their number Chairman, and whenever the personnel of the Board changes, by the advent of a new member, the Board shall again organize by electing a Chairman. The State Veterinary Surgeon shall, ex-officio, act as Secretary of the Board,

without extra compensation. The members of the Board who are not receiving annual or monthly salaries as officials of the State, or State Boards, or of any county shall receive the sum of Ten Dollars per day for each day the Board is in session, and all members shall receive their actual and necessary traveling expenses in going to and from meetings of the Board. All claims for per diem and expenses must be sworn to and accompanied with vouchers for each item of expense, and audited and allowed by the State Board of Examiners against the fund hereinafter provided for. Meetings of the Board shall be held upon call of the Secretary, after giving reasonable notice, to the members of the time and place, and must not exceed two meetings per year, except in cases of urgent necessity where immediate action pertaining to live stock sanitation is required.

**Section 2. 1. Deputy State Veterinary Surgeons.** The State Veterinary Surgeon may by and with the approval of the Live Stock Sanitary Board appoint District Deputies as the occasion may require, who must be graduates of a regular and reputable veterinary college or the veterinary department of a regular and reputable university, and who shall receive such compensation as may be allowed by the Board. The State Veterinary Surgeon may by and with the approval of the Sanitary Board appoint, in various localities of this State, among veterinarians permanently located therein, Resident Deputies who must have the same qualifications as District Deputies, who shall be subject to the orders of the State Veterinary Surgeon and the Sanitary Board and who, together with the permanently employed Deputies to the State Veterinary Surgeon, shall have equal powers under the direction of the State Veterinary Surgeon and the Sanitary Board in accordance with the provisions of this Act. Resident Deputies, however, shall be paid only for actual services performed when directed so to do by the State Veterinary Surgeon or the Sanitary Board, and for such services, when so directed, shall receive the sum of not more than Eight Dollars per day, together with actual traveling expenses.

**2.** The State Veterinary Surgeon may by and with the approval and consent of the Sanitary Board appoint inspectors, or other agents, as occasion may require, who shall receive such compensation as may be allowed by the Sanitary Board, and whose duty it shall be to assist the State Veterin-



ary Surgeon, or his Deputies, and to see that the orders of the State Veterinary Surgeon, and the provisions and regulations of the Sanitary Board are carried out.

3. The Deputy State Veterinary Surgeons, and live stock inspectors, or other duly authorized representatives, of the Sanitary Board are hereby authorized and empowered to enter upon any grounds or premises in this State for the purpose of inspection, quarantine, or disinfection. They shall also have power under the direction of the State Veterinary Surgeon to carry out any other of the provisions of this Act.

Section 3. **Employment of Specialists.** The Sanitary Board shall have authority to establish and maintain a laboratory and to employ one or more specialists and assistants who shall receive such compensation as may be allowed by the Sanitary Board, to investigate any subject tending to foster, promote, or protect the live stock industry of the State, and to cause to be made any biological product, curative or preventative agent, or perform any act which in their judgment is necessary or will tend to foster, promote, or protect the live stock industry.

Section 4. **Appointment of Federal Inspectors to Act as Deputy State Veterinary Surgeons.** Subject to the approval of the Chief of the Bureau of Animal Industry of the United States, federal inspectors may also be appointed Deputy State Veterinary Surgeons by the State Veterinary Surgeon with the approval and consent of the Sanitary Board. When so appointed they shall act without bond or compensation, and possess all the powers and duties of Deputy State Veterinary Surgeons, and shall hold such appointments at the pleasure of the State Veterinary Surgeon and the Sanitary Board, so long as they remain inspectors of said Bureau and as such are stationed in this State.

Section 5. **Powers and Duties of State Veterinary Surgeon.** The State Veterinary Surgeon shall have the power, in addition to those already conferred upon him, and it shall be his duty:

1. To act as chief executive sanitary officer of the Sanitary Board, and to do all other things necessary or proper for the successful enforcement of this Act.

2. To control and supervise and direct the action of all Deputies, inspectors or other agents.

3. To enter on or in and examine any car, yard, stable, steam boat, corral, or other building, or any premise, and to examine any live stock therein or thereon, and otherwise to do therein or thereon whatever may be found necessary or proper in the discharge of his official duties.

4. To quarantine any animal or animals suffering from or exposed to any contagious, infectious or dangerous disease; to prohibit their movement or transportation without a certificate from him, and to quarantine premises infected or believed to be infected and prohibit the movement of stock therefrom or thereon; and to superintend and control the disinfection of any such premises, and to use any curative, protective or immunizing antitoxins or serum, or any diagnostic agents as needed, and to order and accomplish the slaughter of live stock suffering from dangerously contagious or infectious disease, or incurable disease; or live stock exposed to disease, the slaughter or quarantine of which may become necessary under the regulations of the Board; and to order and accomplish the disposition of the carcasses of such slaughtered stock; and to superintend, control and accomplish the burial or other disposition of the carcasses of any animals dying from any of said diseases.

5. To make complaint against any person or persons violating any law relative to live stock, and to procure a warrant whenever conditions permit; and to bring the person or persons before the proper magistrate or officer and notify the Sanitary Board thereof and of his action.

**Section 6. Powers and Duties of State Sanitary Board.** The State Veterinary Surgeon and the Sanitary Board shall have power, in addition to the powers now conferred upon them by law.

1. To supervise and control the action of all Deputies, inspectors, agents, and specialists, and to prescribe regulations to govern them.

2. To remove all its appointees, subordinates and servants at any time with or without cause.

3. To supervise the sanitary condition of live stock of this State; and they are authorized and empowered to quarantine any lot, yard, pasture, field, farm, town, city, township, county, or any part of this State, or any stall, enclosure, barn, stable, or building whenever it shall be determined, as provided by law, by the State Veterinary Surgeon,

or Acting State Veterinary Surgeon, that the live stock therein or thereon are affected with a contagious, infectious, or communicable disease, or are infested with insects or other agencies or means by which such disease is communicated; and to prescribe and enforce sanitary and police regulations which may be deemed necessary to circumscribe and extirpate such disease. Said Board shall give notice of the establishment of any quarantine to the owner, foreman, or the keeper of the live stock so quarantined, which notice may be by publication, or by service personally or by registered mail on the foreman, owner, or keeper of the live stock. In the case of district quarantine notice shall also be given to the proper officials of railroads, steam boats, or other transportation companies doing business in or through the quarantined parts of the State, which said notice may be given by publication in such newspapers of the State as the Board may select, or by mail.

4. To establish and maintain regulations that may be deemed expedient; or as may be from time to time necessary to prevent and suppress contagious, infectious or dangerous animal diseases, including the authority to prohibit the importation of animals when deemed necessary by them as a sanitary safeguard. Provided, that all sanitary regulations adopted by the State Veterinary Surgeon and Sanitary Board or to be recommended to the Governor, shall as far as is possible, be in conformity and harmony with the regulations of the Secretary of Agriculture of the United States, as the same may exist from time to time; and, provided further, that in case of acutely contagious, infectious, or rapidly fatal disease the powers conferred by this paragraph on the Board may be exercised by the Chairman or Secretary. Copies of such regulations shall be printed and furnished to all railway common carriers within this State and all Deputies within this State, members of the different health boards, and to the sheriffs of each county within the State, who shall keep them posted in their offices.

5. To aid the prosecution of all alleged violations of this Act or violations of the regulations prescribed in conformity with this Act; and to aid prosecution for interfering with the lawful actions of their appointive officers.

6. To direct and regulate the slaughter of all diseased animals and the dipping and treating thereof for disease, and

to order and regulate the gathering and handling of range and other live stock to that end, and to make all and any necessary regulations or rules or orders relative to the gathering, handling, and treating or destruction of any animal mentioned herein suffering from or exposed to any contagious or infectious disease.

7. In the case of scabies, or any other infectious or contagious disease among domestic animals on the public range if, after due notification, the owner, agent or person in charge fails, within ten days, subsequent to such notification from the State Veterinary Surgeon, or Deputy, or Sanitary Board, to take such animal or animals up and properly treat the same, under the direction of the State Veterinary Surgeon, or Deputy, then the Sanitary Board shall have authority to order the rounding up of such animal or animals and procure the proper treatment of the same by the State Veterinary Surgeon, or Deputy, all of which expense shall be a first lien upon the animal or animals and said lien shall take precedence over all other liens; provided, in case of scabies the time for gathering and rounding up range animals may be extended by written order of the Sanitary Board to a period of not exceeding sixty days from date of notification, or in case of emergency, on account of acutely dangerous diseases, may be limited by said Board to twenty-four hours or less, as in their judgment is necessary. Provided further, that if any of said domestic animals on the public range are estrays and the owner thereof is not known and cannot with reasonable diligence be found, then the Sanitary Board shall have the same authority to order the rounding up of and to procure the treatment of said animal or animals as is herein conferred upon it in handling animals other than estrays and said stray animals shall be subjected to all the provisions of this Section; and provided further that any animal or animals upon which a lien is created by this section may, upon order of the Sanitary Board, be sold at public sale to the highest bidder, after at least ten days' notice to be given in such manner as the Sanitary Board may provide, the proceeds from such sale to be applied, first in satisfying said lien and the balance, if any, to be turned over to the owner, if known. If the owner of the animal or animals so sold is not known then the balance, if any, is to be deposited with



the Secretary of the Live Stock Commission, to be by him held subject to proof of ownership of the animal or animals sold, for a period of two years from the date of sale, at which time if no person has proven his ownership of the animal or animals sold, such balance must be transferred to the credit of the stock indemnity fund, and no action for the recovery thereof by the owner of such animal or animals or his assigns shall thereafter be maintained.

8. The Sanitary Board shall have authority to prescribe how live stock shall be dipped, or otherwise treated, the kind of dip, and to make regulations for the information and guidance of the Deputies, inspectors, and other agents in the discharge of their duties.

**Section 7. Quarantine When Ordered.** In all cases of scab or other external parasitical diseases where such parasite is commonly known, the exhibition of such parasite shall be made by the State Veterinary Surgeon, or his Deputy, when requested to do so by the owner, before the State Veterinary Surgeon, or his Deputy, shall order the animals dipped; provided, however, that such shall not be necessary in all animals in a herd, or band, or where positive and direct exposure is known to have occurred; provided further, that exhibition of such parasite in sheep shall not be necessary when sheep have been exposed either directly to diseased animals, or which have crossed or been upon exposed range or premises, and provided further, that the State Veterinary Surgeon, or his Deputy, may order suspected diseased, or exposed, animals quarantined for a sufficient period to determine whether or not infection has taken place.

**Section 8. Removal of Livestock From Quarantined Areas.** Live stock may be moved from a quarantined part of the State to any other part of the State under and in compliance with the rules and regulations of the Sanitary Board, and it shall be unlawful to move, or allow to be moved, any live stock from one place to another place within the quarantined district or onto a quarantined district, or from any quarantined district to a district not quarantined, in any manner or method or under conditions other than those prescribed by the rules and regulations of the Sanitary Board.

**Section 9. Slaughtering of Diseased Animals.** In all cases of contagious, infectious and communicable diseases

existing among live stock, the Sanitary Board is hereby authorized and empowered to cause the slaughter of all live stock which are known to be so diseased, or have been exposed to such disease, when the State Veterinary Surgeon shall decide that the same is necessary for the protection of other live stock; and said Board is hereby authorized to cause the destruction of all barns, stables, out-buildings, premises, fixtures, furniture, and personal property infected with any such contagious, infectious or communicable disease so far as in the judgment of the State Veterinary Surgeon may be necessary to prevent the spread of such disease, or where the same cannot be properly disinfected.

**Section 10. Payment for Animals and Property Destroyed.** Animals with reference to compensation for slaughter shall be divided into two classes.

1. Animals determined by either the State Veterinary Surgeon or his Deputy to be affected with an incurable disease requiring slaughter, such as tuberculosis, glanders, dourine, or other diseases determined to be incurable by the Sanitary Board, or believed and designated by them as incurable, shall be designated as animals of the first class and shall be paid for according to their full assessed valuation thereof as shown on the last assessment roll of the county in which such stock was assessed; but the amount paid shall not in any case exceed the actual sound value of such stock at the time of the assessment, and shall in no case exceed the sum of Five Hundred Dollars for any one animal; nor shall compensation be paid for stock whose owner has intentionally evaded the taxation thereof.

2. Animals diseased with an infectious, contagious, communicable or dangerous disease which is not necessarily fatal, or which are exposed to such disease, and which are destroyed as a sanitary safeguard shall be designated as animals of the second class and shall be paid for according to their full appraised valuation. Prior to the destruction of animals of the second class the State Veterinary Surgeon, or his authorized agent, shall agree with the owner upon the value of such stock to be destroyed, one certificate of the appraised value to be forwarded to the State Auditor, one to the Sanitary Board, and one given to the owner. In case an agreement cannot be made, the State Veterinary Surgeon, his agent, or member of the Sanitary Board shall notify the

nearest Justice of the Peace and deliver to him the order therefor. The Justice of the Peace shall thereupon summon before him three discreet and reputable citizens who shall have no interest in the live stock to be slaughtered to act as appraisers of the value of the live stock and administer them an oath to make a true and impartial appraisement of the stock to be slaughtered without prejudice against or favor to anyone. Thereupon the appraisers shall inspect the stock and make appraisement thereof. They shall also return to the Justice of the Peace certificates of their valuation of the animal or animals so appraised, containing an accurate description thereof. One of the certificates shall be filed with the Justice of the Peace; one shall be forwarded to the State Auditor; one to the Sanitary Board, and one to the owner or agent of the stock or property to be destroyed. The fee of the Justice of the Peace for swearing appraisers and filing certificates shall be the sum of Three Dollars, and the appraisers shall receive Three Dollars per day and their necessary traveling expenses while engaged therein, all of which shall be deducted from the value of the animals or property so appraised and paid upon order of the Board out of the Stock Indemnity Fund. The State Veterinary Surgeon, or his authorized agent, shall superintend the destruction of the carcasses of such animals, or of the property.

3. Barns, stables, out-buildings, premises, fixtures, furniture, and personal property ordered destroyed under the provisions of this Act shall be appraised and paid for in the manner as provided for the payment of animals under the second class.

4. Animals of the first class shall be paid for as animals of the second class when a mistake has been made and no evidence of an incurable slaughterable disease is discovered upon autopsy or bacteriological, serologic, or microscopic findings. The value in such cases to be obtained from the best evidence obtainable.

5. In the payment of animals of the first class the State shall pay one-half and the county where the said animals were owned shall pay one-half, out of the general fund of the county.

6. Claims against the State and County arising from the slaughter of animals for the first class shall be made by the owner with the State Auditor and county commissioners,

and affidavit from the owner that the animal or animals have been killed and buried in accordance with law and a certificate from the State Veterinary Surgeon that such animal or animals were ordered destroyed, together with a certificate from the county assessor designating their assessed value or the minimum assessed value for that class of animal. The State Auditor shall examine the same and if found correct he shall issue a warrant upon the State Treasurer for fifty percent of the sum named in the return and the board of county commissioners shall cause to be paid fifty percent of the sum found in the return, from the general fund of the county in which the animals were owned.

7. Where animals of the first class do not appear on the last assessment roll of the county, then the value shall be the minimum value as found on the last assessment roll for that class of stock for the county in which the stock was owned.

8. Where carcasses of animals ordered destroyed under this Act are found, upon post mortem inspection (which inspection must be made in accordance with the regulations of the United States Bureau of Animal Industry by a State or Federal Veterinarian) fit for human consumption, the owner may receive the net proceeds from the sale thereof of such carcass, and shall have no further claim against the State on account of such slaughter. Should the owner refuse to accept the money then the representative of the Sanitary Board may proceed to sell the carcass and the net proceeds obtained therefrom, in the case of animals of the first class, shall be made payable, fifty percent to the Live Stock Indemnity Fund and fifty percent to the treasurer of the county in which the animal or animals were owned. In the case of animals of the second class, all salvage moneys shall be made payable to the Live Stock Indemnity Fund.

**Section 11. When Compensation Shall Not Be Paid.** Owners of animals slaughtered, or of property destroyed, as herein provided shall be entitled to indemnity therefor to the extent of such assessed or appraised value, excepting in the following cases:

1. Animals belonging to the United States.
2. Animals brought into the State in violation of any of the provisions of this Act.



3. Animals which the owner or claimant knew to be diseased or had notice thereof at the time they came into his possession.

4. Animals which had the disease for which they were slaughtered or which were destroyed by reason of exposure to the disease, at the time of their arrival in the State, provided, that any animal or animals of the second class which were shipped into the State in accordance with the Sanitary Board Regulations and accompanied by the proper certificate of health from a recognized state or federal veterinarian, may be paid for if such payment is authorized by the Live Stock Commission and the Sanitary Board, and approved by the State Board of Examiners.

5. Animals which have not been within the State of Montana for at least one-hundred and twenty days prior to the discovery of disease, provided that animals of the second class which have not been in the State one-hundred and twenty days may be paid for when such payment is authorized by the Live Stock Commission and the Sanitary Board, and approved by the State Board of Examiners.

6. When the owner or agent has not used reasonable diligence to prevent disease or exposure thereto.

**Section 12. Compensation by Federal Government.** In all cases where the Federal Government compensates owners for live stock or property destroyed on account of an infectious, contagious or communicable disease, then such payment as has been made by, or is due, from the Federal Government shall be deducted from the payment herein provided.

**Section 13. Notice to Owners of Animals or Property Condemned.** Notice of condemnation of animals or property by the State Veterinary Surgeon, or his Deputy, after inspection, shall be given, and such notice must be either personally served, or served by mail, or by leaving at the residence of such owner, or custodian, with any person over the age of fifteen years, except in cases of animals or property not in the direct custody of any person, and whose owner is either unknown or resides so far away as to make immediate notice impractical, or delay dangerous, and when animals are clinically diseased and not under restraint, which notice must designate the disease, and require that such owner or custo-

dian kill the animal, and bury or burn it, in manner and time to be declared therein.

2. If such owner or custodian fails to comply with such order, the State Veterinary Surgeon, or Deputy, may forthwith seize such animal or animals and enforce the order at the cost of such owner or custodian. If such owner or custodian disputes the existence of such disease or any slaughterable disease, he shall serve a written notice of protest on the State Veterinary Surgeon, or Deputy (serving original notice) and shall fix in such notice of protest a time and place (the former not later than 136 hours after the service of original protest) when and where he will kill such animal or animals. Such notice of protest shall be served in season to enable the State Veterinary Surgeon, or Deputy, to attend the Killing; and thereupon the State Veterinary Surgeon or Deputy shall attend the killing and hold an autopsy on such animal or animals in the presence of the owner, or custodian or any other person by him selected to be present. Where no evidence of an incurable slaughterable disease is discovered upon autopsy, or bacteriologic, serologic, or microscopic findings, the animal or animals shall be paid for as in the case of animals of the second class. But if found, a part of the tissue of each animal showing such lesion shall at the time be delivered to such owner, custodian or representative, the receipt of the latter taken therefor, and another part of said tissue, and said receipt, sent to the State Veterinary Surgeon, who shall retain them until the claim is fully disposed of. On any killing after notice or protest, a right of action shall arise in favor of the owner, or custodian, against said Sanitary Board; but recovery in such action shall not be had unless the non-existence of such lesion or evidence at the time of the examination be affirmatively proven. Any judgment recovered by the plaintiff in such action shall be paid out of the Stock Indemnity Fund. In all cases where animals of the first class are killed without notice, autopsy shall be held, and a certificate of the discovery or non-discovery of lesions, together with part of tissue be forwarded the State Veterinary Surgeon as above, except when the animal or animals to be slaughtered show unmistakable symptoms of disease requiring slaughter, in which event a certificate stating said fact shall be forwarded to State Veterinary Surgeon.

3. When no lesion is found and the value of the meat for human consumption has not been affected, the State Veterinary Surgeon or Deputy holding the autopsy shall issue a permit of sale and the carcass may be sold for food, after inspection and proper certification of such fact is made by the State Veterinary Surgeon or Deputy.

**Section 14. Expense for Treating or Burying Animals.** The owner, or custodian, shall be alike liable for expenses incurred in the treatment, dipping, or handling of any live stock under the provisions of this Act, or for the proper disposition or burial of any live stock which dies from a contagious, infectious, or communicable disease, or is destroyed on account of an infectious, or contagious, or communicable disease, and whenever such owner or custodian is so liable for such expenses the State Sanitary Board shall have a lien on said live stock or any other live stock owned by the person liable, and which lien shall be a first lien and precede any other lien or claim, or demand, against said property. The Sanitary Board may also maintain civil action for the amount of such expenses against a person liable therefor.

**Section 15. Enforcement of Sheep Quarantine.** The Sanitary Board, and when the Board is not in session the State Veterinary Surgeon, may employ persons to take charge of all diseased or exposed sheep under quarantine upon the failure of the owners to take care and to assist the State Veterinary Surgeon or assistant, and the person so employed shall be under the supervision and control of the Sanitary Board and the State Veterinary Surgeon.

**Section 16. Duty to Inspect Sheep.** It shall be the duty of Deputies or other duly authorized agents of the Sanitary Board to inspect all sheep which he, or they, may have received notice, or information, are affected with or have been exposed to any infectious, contagious disease, and if the sheep are found affected with, or have been exposed to, any infectious or contagious disease they must be quarantined and the regulations for their quarantine, holding and treatment must be at once made by the Deputy, or authorized agent. Deputies and duly authorized agents of the Sanitary Board shall have the authority, with the advice and consent of the State Veterinary Surgeon to determine and superintend the preparation and mixture of material used in dipping

sheep and other live stock, and must cause all sheep so dipped and quarantined on account of scabies or exposure to scabies to be distinctly marked with a red letter "S" on the right side. All sheep dipped shall be held in quarantine at least ninety days after the last dipping; or until released therefrom by a Deputy or duly authorized agent of the Sanitary Board or upon the order of the State Veterinary Surgeon.

**Section 17. Official Supervision of Dipping.** Upon receipt of information that any sheep are affected with or have been exposed to any infectious or contagious disease, the Deputy or agent of the Sanitary Board must immediately cause such sheep, and all sheep running in the same flock or upon the same or contiguous range with them, to be examined and if found so diseased, or exposed to disease, to be quarantined and held within a certain limit, or place, to be designated by him, and such sheep must be held in quarantine until the owner, or person in charge, or the inspector has eradicated such scabies or other infectious or contagious disease, and the inspector issues a certificate stating such facts and releasing such sheep from quarantine. When sheep affected with, or exposed to, any infectious or contagious disease have been kept in any building or corral, the inspector must inspect and quarantine such premises and prohibit any sheep being placed therein until such premises have been cleaned and thoroughly disinfected, which must be attended to within ten days from date of quarantine. In the dipping of sheep for scabies, such dipping must be under the supervision of an authorized agent of the Sanitary Board.

**Section 18. Quarantine of Infected Premises and Diseased Animals.** In all cases of scab or other infectious or contagious disease among sheep in this state the State Veterinary Surgeon, Deputy, or inspector, has authority to order a quarantine of the infected premises and diseased animals, or animals exposed to such disease, and to define the limits within which such sheep must be kept, and to prohibit any other animals from being driven into or across or kept within such quarantine limits; provided, that in all cases sheep shipped into this State must be quarantined separately, and in no case shall foreign sheep be mixed or quarantined on the same area with native sheep, and all native sheep must be quarantined within the limits of their accustomed range and in case such disease becomes enzootic or epizootic in any

locality in this State, upon notification from the State Veterinary Surgeon the Governor must issue a proclamation, or the Live Stock Sanitary Board a regulation, forbidding any sheep to be transferred from such locality without a certificate from the State Veterinary Surgeon, Deputy or inspector, showing such sheep to be free from any infectious or contagious disease, and forbidding all persons from driving any sheep into or across such locality, or keeping or herding them therein. Any sheep going, or being driven into or across such prohibited locality or quarantine premises, shall be deemed exposed to such infectious or contagious disease, and may be so declared and detained in quarantine, and if deemed necessary by the State Veterinary Surgeon, Deputy, or inspector, may be dipped.

**Section 19. Duty of Railroad Company to Notify State Veterinary Surgeon.** When any sheep are delivered to any railroad or transportation company for shipment to this State, as a point of destination, it shall be the duty of such transportation company to notify the State Veterinary Surgeon by telegraph the date of said shipment, the name of the place from which they are shipped, the point of destination, the number of cars, the names of the consignor and consignee, and the probable date of the arrival of the said sheep at their destination; and when any sheep are billed to be shipped through the State and afterwards the point of destination is changed to some place within the State it shall be the duty of the railroad or transportation company upon receiving a request to change the point of destination, to notify the State Veterinary Surgeon by telegraph, giving the name of the consignor and consignee, the number of cars, and the point of destination to which the shipment is changed. In no case must any sheep affected with, or having been exposed to any infectious or contagious disease, be removed or allowed to be removed, from one point to another, within any county, or from one county to another in this State, without a written certificate from the State Veterinary Surgeon, or Deputy. It shall be unlawful for any railroad company or transportation company to ship sheep from one place to another, within this State, in cars in which other sheep have been shipped, until such cars have been cleaned and carefully disinfected, under the supervision of the State Veterinary Surgeon, Deputy, or authorized agent, who shall give a certificate of



such inspection, which shall accompany the shipment. It shall be the duty of every railroad or transportation company, before cleaning or disinfecting any such car or cars, to give notice to the State Veterinary Surgeon, Deputy, or authorized agent, at least five days before the cars are to be so cleaned and disinfected; and it shall be the duty of the State Veterinary Surgeon, Deputy, or authorized agent upon such notice being given, to inspect, on or before such date, such car or cars, so cleaned and disinfected, and to give the proper certificate therefor. It shall be the duty of every railroad or transportation company in this State to keep all yards, corrals, sheds, or buildings in this State used by such company for holding or feeding live stock in transit, and all cars used for shipping live stock, clean and free from infection from scab, or other infectious or contagious disease; and it shall be the duty of the State Veterinary Surgeon, Deputy, or authorized agent to inspect such yards, corrals, sheds, buildings, and cars, when deemed necessary, and if they are infected or exposed to infection from any infections or contagious disease, to at once notify such company of the fact, and declare the premises and cars in quarantine, and forbid any animals from being placed or kept therein, until the premises and cars are disinfected; and it shall be the duty of the company to cause the premises to be thoroughly cleaned and disinfected under the supervision of the State Veterinary Surgeon, and if they fail to do so within five days after such notice, the State Veterinary Surgeon, Deputy, or authorized agent, shall cause the premises to be disinfected. The State Veterinary Surgeon and the inspector shall have authority to enter into all such cars, yards, corrals, sheds or buildings, for the purpose of inspecting or disinfecting same. The fees and expenses of the State Veterinary Surgeon, Deputy, or authorized agent, and all expenses incurred in inspecting and disinfecting such premises and cars, shall be a charge against the railroad or transportation company, and may be recovered in a civil action in any court of competent jurisdiction. The notice above mentioned may be served upon the agent or other official in charge of the station at which such yards, corrals, sheds, buildings, or cars are situated.

**Section 20. Owner or Agent of Imported Sheep to Notify State Veterinary Surgeon.** Within five days previous

to the arrival of any sheep in this State, from any other state or territory, the owner or agent of the sheep must report by telegraphic dispatch, to the State Veterinary Surgeon, at Helena, Montana, stating from what country, state, or territory the sheep are shipped or being driven from, the number thereof, and the place where they will first enter the State, and where it is intended to unload them, or, the notice may be given by registered mail, if mailed in time so that in the ordinary course of mails it will reach the State Veterinary Surgeon's office five days before the sheep would reach the State, and the State Veterinary Surgeon shall, immediately on receipt of such notice, notify an authorized agent of the sanitary Board, and it shall be the duty of the agent to immediately inspect the sheep, and to make such order or orders for their quarantine, treatment and dipping as may be necessary.

**Section 21. Expenses of Inspection.** The expense of inspecting, feeding, holding, dipping, treating, marking, and taking care of all live stock inspected, quarantined, dipped, or otherwise treated under the provisions of this Act, including fees and expenses of the authorized agent of the Sanitary Board, on account of services rendered, must be paid by the owner, agent, or person in charge of the live stock, and the charge shall be a lien upon the live stock for such charges and expenses, which lien shall be prior to and paramount to any and all other liens, demands, or other claims against such live stock, and the agent of the Sanitary Board may retain possession of the live stock until the charges and expenses are paid; but the lien shall not be dependent upon possession, and the lien may be foreclosed in the name of the agent of the Sanitary Board by a sale of the stock, or as many thereof as may be necessary to pay the sum of the costs of sale at public auction on ten days' notice by posting thereof in three public places in the county, or such lien may be foreclosed by an action in any court of competent jurisdiction against the owners of the live stock to recover the amount of the charges and expenses; provided, however, that when the live stock has been shipped into the State, accompanied by the proper health certificate, and has complied with all the regulations of the Sanitary Board, and the provisions of any Governors' proclamations at that time in effect, and the laws of Montana, and all native live

stock where reasonable diligence has been exercised to prevent disease or exposure thereto, the expenses of inspection and supervising, treating or dipping of such live stock shall be paid out of the funds at the disposal of the Sanitary Board.

**Section 22. Dipping of Sheep Temporarily in the State.** Any sheep that are shipped or driven into this State, with the intention on the part of the owner of holding them within the State longer than is necessary to feed them in transit, which feeding must be done in the railroad stock yards, corrals, or buildings, must be at once quarantined and dipped under the supervision of the State Veterinary Surgeon, Deputy, or authorized agent, at the point of entry or unloading, or as near such point as may be deemed safe by the State Veterinary Surgeon, Deputy, or authorized agent, without danger of scattering infection, and when so dipped shall be branded with a red letter "S" on the right side. After the sheep are so dipped and branded, they may be moved to the ranch or range where it is the intention of the owner to keep them, providing they can be moved to such ranch or range within ten days, when they must be dipped a second time; Provided, that any sheep that are shipped into the State of Montana over any railroad with the intention on the part of the owner of holding them within the State longer than is necessary to feed them in transit (which feeding must be done as hereinbefore provided) may be accompanied by a certificate of an official graduate veterinarian setting forth that the sheep are clean, are free from scab or other contagious or infectious disease; that they come from a locality which is free from scab or other contagious or infectious diseases, and that the cars in which they were shipped were properly disinfected and were free from infection. Sheep accompanied by a certificate of an official graduate veterinarian shall be inspected at the first unloading point in this State under the direction of the State Veterinary Surgeon and when accompanied by such certificate and so inspected and found free from scab or other infectious or contagious disease, the animals need not be dipped as hereinbefore provided, but shall be branded with a red letter "S" on the right side, and then trailed from their final unloading point under the direction of the State Veterinary Surgeon to their range, which range shall be owned or occupied previously by the owner of the sheep, and thereupon quaran-

tined for a period of not less than ninety days, and as much longer as is necessary at the discretion of the State Veterinary Surgeon. Provided; That sheep so shipped into the State shall not be trailed through the State for any distance exceeding fifty miles from the point of unloading at which such trailing begins, without being quarantined and dipped as herein first provided. And provided further; that sheep that have been unloaded in transit into yards which have not been disinfected since holding other sheep outside the State of Montana shall not be deemed clean or free from scabies or other infectious or contagious disease, and shall be quarantined and dipped as herein first provided. And provided further; that sheep driven into this State (which sheep shall be animals that are habitually grazed in this State, or an adjoining state, and not otherwise) may be accompanied by the certificate of an official graduate veterinarian, as before provided, shall be inspected at the State line under the direction of the State Veterinary Surgeon of Montana; and before driving such sheep in this State, the owner or person in charge shall procure from the State Veterinary Surgeon or an authorized agent, permit to drive the sheep over a certain route to their destination; which destination shall not exceed seventy-five miles from the State line. If the sheep are accompanied by such certificate, and upon inspection, are found free from scab or other contagious or infectious disease, they need not be dipped, but shall be branded with a red letter "S" on the right side, and shall then be trailed from the State line, under the direction of the State Veterinary Surgeon to their range, which range shall be owned or previously occupied by the owner of the sheep, and shall be quarantined on such range for a period of not less than ninety days and as much longer as is necessary in the judgment of the State Veterinary Surgeon; otherwise, and in either instance, they shall be quarantined and dipped as herein first provided. And provided further that the State Veterinary Surgeon may, if in his judgment the circumstances of any particular case warrant such action on his part, order any sheep shipped or driven into the State to be quarantined and dipped as herein first provided if, before making such order he shall receive from the Sanitary Board its approval in writing for such action on his part. Provided further; that all rams entering the State of Montana from other states, must be dipped twice

at an interval of not exceeding fourteen days according to the regulations of the Sanitary Board at, or as near the point of entry as is practical, and after the second dipping such rams must be quarantined for a period of not less than ninety days and until inspected and released by a representative of the Sanitary Board, but may be used for service in which case all ewes must be likewise quarantined for a period of not less than ninety days, and until inspected and released by a representative of the Sanitary Board on land owned, leased or controlled by the owner. Provided further; that where rams are shipped into the State for sale they shall be dipped and quarantined in one place for a period of not less than ninety days.

**Section 23. Certificate to Run a Public Buck Herd.** No person or persons shall conduct what is known as a public buck herd in this State without first receiving from the State Veterinary Surgeon a permit to do so. Such permit must be in writing, and signed by the State Veterinary Surgeon, and must be issued by him upon receipt of an application in writing for a permit. All persons receiving a permit to conduct such herds shall, on or before the 15th day of July in each year, report to the State Veterinary Surgeon the number of bucks in the herd, the owners thereof, and the number owned by each, and where the herd is kept, and any subsequent additions made to the herd must be reported to the State Veterinary Surgeon as soon as made. It shall be the duty of the State Veterinary Surgeon to cause all such buck herds to be inspected. The keeper of such herds shall not permit any animals to be removed from the herd, and no person shall remove any animals therefrom, until inspected and certificate of health issued. When animals are so removed, the keeper of such herd shall give to the owners or persons removing bucks a copy of the certificate of the State Veterinary Surgeon, and such owner or person must, on demand of any sheep owner in this State, exhibit such certificate. A public buck herd within the meaning of this Act shall be one consisting of bucks owned by two or more persons or partners.

**Section 24. Tuberculin Test of Dairy Cattle.** It shall be the duty of the State Veterinary Surgeon and his Deputies, in addition to the duties now or which may be hereafter conferred upon them by the Sanitary Board, to apply the tuber-



culin test, when directed by the Sanitary Board or State Board of Health, to all dairy cattle within the State, the milk or milk products of which is used for public consumption, or sold, disposed of, or given away in any manner for the use of the public.

**Section 25. Disposal of Tuberculous Cattle.** Whenever tuberculosis is discovered in any bovine animal the owner of the tuberculous animals shall retain the animal or animals under such restrictions or rules as the Sanitary Board may direct, or the animal may be destroyed and compensated for as in animals of the first class.

**2. Shipment and Post Mortem Inspection of Tuberculous Animals.** Tuberculosis animals may be shipped within the boundaries of this State under the direction of the State Veterinary Surgeon or his Deputy, to any abbatoir where proper post mortem inspection may be made by the State Veterinary Surgeon, his Deputy, or Federal Inspector. The inspection must conform with the meat inspection regulations of the United States Bureau of Animal Industry. The carcass if passed on official state or federal inspection, may be used for food.

**Section 26. Duty of State and Local Boards of Health.** It shall be the duty of the State and several local boards of health of any county, city, town, or village, in this state to co-operate with and assist the Sanitary Board in all matters relating to the execution of its sanitary powers as to live stock under this Act, in such manner as may be by the Sanitary Board prescribed, either by general regulation or direct order.

**Section 27. Notice of Existence of Disease to be Given.** Any person including the owner or custodian, who has reason to suspect the existence of any disease mentioned in this Act among live stock or the presence of exposed animals at any point within the State shall forthwith give notice thereof to the State Veterinary Surgeon.

**Section 28. Board to Have Authority to Administer Oaths.** Whenever in the exercise of their powers or the discharge of their duties, it shall become necessary or proper for any member of the Sanitary Board, the State Veterinary Surgeon, or any of his Deputies, to investigate facts and conditions, he is hereby authorized to administer oaths, take affidavits and compel the attendance and testimony of wit-

nesses, being given for such purposes all the powers of a Notary Public.

**Section 29. Definition of Words and Phrases.** The phrase "dangerous, contagious, infectious, enzootic, and epizootic," as used in this Act shall be deemed to include farcy, glanders, tuberculosis, anthrax, rinderpest, rabies, foot-and-mouth disease, vesicular stomatitis, pleuro-pneumonia, cholera, swine plague, variola or pox, contagious abortion, contagious ophthalmia, mal du coit or dourine, coital exanthema, scab or scabies, or other contagious skin disease, necrobacillosis, blackleg, malignant catarrh, hemorrhagic septicemia, and any other disease of live stock that may be controlled or eradicated by sanitary measures or regulations. The words "live stock" as used in this Act shall be deemed to include horses, mules, asses, and cattle, sheep, goats, swine, dogs, cats, and any other domestic or wild animals.

**Section 30. Funds.** There shall be created the Live Stock Sanitary Board Account which, in addition to the State Live Stock Sanitary Board Fund, shall be used to defray all expenses created by this Act, except the salary of the State Veterinary Surgeon, his Chief Deputy, and stenographer, which shall be paid out of the General Fund.

**Section 31. Penalties for Violating Quarantine.** If any owner, custodian, or any other person shall wilfully or intentionally break any quarantine and remove any quarantined animal or animals from any established quarantine to another point; or shall take any animal or animals into any established quarantine, or shall wilfully or intentionally drive or transport from one point to another any animal or animals known by him to be affected with or exposed to any contagious or infectious disease, or shall wilfully or intentionally sell milk or milk products from any such animal or animals, unless under conditions and regulations prescribed by the Sanitary Board, and under the written direction of the State Veterinary Surgeon, or Deputy, or fails to notify the State Veterinary Surgeon of the existence of a contagious or infectious disease among his animals, or expose thereto, or shall wilfully violate any provisions of the Act, or any regulations or orders lawfully made in conformity therewith, or shall in any manner hinder, resist or obstruct the execution of any such regulation or order, or hinder, resist or obstruct any officer or employe of said Sanitary Board in the discharge of

his duty, or in the exercise of his lawful powers, or shall negligently break any quarantine, or shall negligently suffer any quarantined animal or animals to escape from quarantine, or take or allow any animal or animals to go into any quarantine area or premises, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than Five Hundred Dollars, or imprisonment in the county jail not more than six months, or both fine and imprisonment, and shall be liable for all damages which may be sustained by any person or persons by reason of such act or acts which damages may be recovered by such person or persons in a civil action in any court of competent jurisdiction.

**Section 32. Diseased Animals Not to Run at Large.**

It is unlawful for the owner or for any person in charge of any horse, mule, ass, sheep, goat, cattle, or other domestic animals affected with any contagious infectious disease to allow such animals to run at large on any range or within any enclosure where such animals may come in contact with any other animal not so diseased. All animals affected with contagious infectious disease must be at once removed by the owner thereof, or the person in charge of the same to some secure inside enclosure, where contact with other animals by reaching over or through the fence of the enclosure will be impossible, or must be strictly herded six miles away from any farm or from other stock running at large or being herded. Every person who knowingly neglects or refuses to remove or to so enclose or herd away from farms or other stock, such diseased animals affected with contagious infectious disease, after receiving notice of their diseased condition, is punishable as provided in Section 8531 (700) of the Penal Code, and is liable for damages to the party injured.

**Section 33. Penalties for Allowing Diseased Animals to Run at Large.** It shall be unlawful for any owner, agent, or person in charge of, to permit any domestic animal or animals herein mentioned, that are known to be suffering from or exposed to any contagious or infectious disease, to run at large on the public range or public highway, and each offense shall be punishable by a fine of not less than Twenty-Five nor more than Five Hundred Dollars, or imprisonment in the county jail for a period of not more than six months, or both.

**Section 34. What Constitutes Breaking Quarantine.** Breaking quarantine shall mean the taking of any animal or

animals or allowing any animal or animals (of the kind quarantined by the State Veterinary Surgeon or Deputy) to go within or out of any building, corral, premises or range quarantined by the Sanitary Board, State Veterinary Surgeon or Deputy.

**Section 35. Reports of State Veterinary Surgeon.** The State Veterinary Surgeon shall, on or before the tenth day of December each year, make a written report to the Sanitary Board, which report must be transmitted by them to the Governor.

**Section 36. Repealing Clause.** Sections 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, and 1903 of the Revised Codes of 1907; Chapter 146 of the Session Laws of 1911; Chapters 68, 90, and 123 of the Session Laws of 1913; Chapters 9 and 140 of the Session Laws of 1915, and all Acts or parts of Acts in conflict with this Act are hereby repealed, save, however, the right to prosecute all civil or criminal actions that may have arisen under these provisions, which actions may be prosecuted with like force and effect as if said Acts had not been repealed.

**Section 37.** This Act to Take effect April 15, 1917.

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## CHAPTER 127, SESSION LAWS 1915.

“An Act directing the levying of a tax on live stock, for the purpose of aiding in the payment of salaries and expenses of the Board of Stock Commissioners, the Board of Sheep Commissioners and the Live Stock Sanitary Board for the payment of indemnity for animals slaughtered and of expenses in investigating and suppressing diseases and for the payment of bounties on wild animals and repealing Chapter 49 of the Session Laws of the Twelfth Legislative Assembly relating to the levying of a tax for the payment of bounties, stock inspection and indemnity purposes.”

**Be It Enacted by The Legislative Assembly of the State of Montana:**

**Section 1.** In addition to appropriations made for such purposes, a tax is hereby authorized and directed to be levied

on all livestock in this State for the purpose of aiding in the payment of the salaries and all expenses connected with the enforcement of the stock laws of the State of Montana and for the payment of bounties on wild animals, as hereinafter specified.

Section 2. The State Board of Equalization is hereby empowered and it is made its duty annually to prescribe the levy to be made against livestock of all classes for the purpose above indicated and the various Boards herein named shall have the right to recommend to said State Board of Equalization the amount of such levy.

Section 3. The amount of such levy shall not in any event exceed the sum of one (1) mill which shall be levied to aid in the payment of the general expense of the Board of Stock Commissioners and of the Board of Sheep Commissioners, including salaries, office expense, detective expense, expense of prosecution, travel and all incidental expenses and a separate levy of not exceeding one and one-half ( $1\frac{1}{2}$ ) mills for the use of the State Livestock Sanitary Board for the payment of indemnity for animals slaughtered and of expenses incurred in investigating and suppressing diseases including expenses of quarantine and all expenses incurred for such purposes; Provided, that not more than fifty thousand (\$50,000.00) dollars of said State Live Stock Sanitary Board fund shall be set aside as an emergency fund and shall be expended only when said Sanitary Board determines that an emergency exists, requiring its expenditure and it shall then be expended for such purposes as said Sanitary Board may order and direct.

Section 4. The money received from the tax levied on sheep as provided in the first part of Section 3 of this Act shall be placed to the credit of the Sheep Inspection and Indemnity Fund and shall be used to aid in the payment of the general expenses, salaries, office expense, detective expense, expense of prosecution, travel and other expenses of the Board of Sheep Commissioners, and the moneys received from the tax on all other stock, as provided in Section 3 of this Act, shall be placed to the credit of the Stock Inspection and Detective Fund to be used for like purposes for said Board of Stock Commissioners. The moneys received from the tax levied by the second division of said Section 3, shall be



placed in a fund to be known as the Live Stock Sanitary Board Fund, to be used by said Board for the payment of indemnity for animals slaughtered and for the payment of expenses in investigating and suppressing diseases, including quarantine and all expenses connected therewith.

Section 5. The taxes levied and the money collected pursuant to the provisions of Section 3 of this Act shall be transmitted annually with other taxes for State purposes to the State Treasury by the county treasurer of each county and such county treasurer shall designate the amount received from the tax levied on sheep and the amount received from the tax levied on all other livestock and shall specify said separate amounts in his report to the State Treasurer and such money when received by the State Treasurer shall be placed to the credit of the funds as provided in Section 4 of this Act.

Section 6. The State Board of Equalization shall, in addition to the tax heretofore in this Act provide for, annually prescribe the levy to be made against livestock of all classes for the purpose of aiding in the payment of bounties on wild animals killed within this State which tax shall not in any one year exceed one and one-half ( $1\frac{1}{2}$ ) mills on the dollar upon the assessed valuation of such livestock and such money so received shall be used and applied only in payment of claims for bounty for the killing of wild animals after the passage and approval of this Act and the moneys received from the taxes so levied shall be transmitted annually with other taxes for State purposes to the State Treasury by the county treasurer of each county and when received by the State Treasurer, shall be placed to the credit of the bounty fund and such money shall thereafter be paid out only on claims duly and regularly presented to the State Board of Examiners in accordance with the law for the payment of bounty for the killing of wild animals.

Section 7. All claims for bounty made against the State hereafter if passed, allowed and not paid within a period of thirty (30) days after presentation to and allowance by the State Board of Examiners shall be registered in the office of the State Board of Examiners in a book provided for such purpose and thereafter shall bear interest at the rate of four (4) per cent per annum until paid.

Section 8. Chapter 49 of the Session Laws of the Twelfth Assembly and all Acts and parts of Acts in conflict with this Act be and the same are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

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#### CHAPTER 39, SESSION LAWS 1917.

"An Act to amend Section 8492 of the Revised Codes of Montana, 1907, Relative to the Sale of Carcasses of Animals Affected with an Infectious Contagious Disease."

Section 1. Section 8492 of the Revised Codes of Montana is hereby amended to read as follows:

"Section 8492. It shall be unlawful for any person to sell or offer for sale the carcass or any part of the carcass of an animal having Actinomycosis (Big Jaw), Tuberculosis, or any other infectious or contagious disease unless the same shall have been inspected and passed by a representative of the Live Stock Sanitary Board or the United States Bureau of Animal Industry."

Section 2. Any person guilty of violating this Act shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine not exceeding Five Hundred Dollars or by imprisonment in the county jail not exceeding one year, or by both fine and imprisonment.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 16th, 1917.

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#### CHAPTER 118, SESSION LAWS 1917.

"An Act to Regulate the Sale and Distribution of Tuberculin."

Section 1. Any person, firm or corporation desiring to sell or distribute tuberculin for animal use in the State of Montana, must first secure permission from the Live Stock Sanitary Board.

Section 2. Any person, firm or corporation having secured permission from the Live Stock Sanitary Board to sell or distribute tuberculin for animal use within this State as prescribed in Section 1, shall, on the same day of selling, furnishing or supplying tuberculin, report in writing to the Live Stock Sanitary Board the name, or names, and address of the person, or persons, furnished, including a statement of the amount of tuberculin supplied.

Section 3. Any person, firm or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and punished by a fine of not less than twenty-five (\$25.00) dollars and not more than five hundred (\$500.00) dollars or by imprisonment for not less than thirty (30) days and not more than ninety (90) days, or both fine and imprisonment.

Section 4. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act to take effect April 15, 1917.

Approved February 27, 1917.

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## CHAPTER 125, SESSION LAWS 1917.

“An Act to Repeal Section 8836 of the Revised Codes of Montana of 1907 and Designating the Duties of Owners of Stallions.”

Section 1. That hereafter it shall be unlawful for any owner or owners of a ridgling, or unaltered male mule or jackass over the age of eighteen months to permit the same to run at large.

Section 2. That hereafter it shall be unlawful for any owner or owners of a stud horse over the age of eighteen months to permit the same to run at large unless the owner or owners of such stud horse has first filed with the County Clerk and Recorder of the county where such stud horse is owned, a description in writing of said stud horse. The description so filed shall give the age, color and brand or brands and owner of said stud horse.

Section 3. Any person may take up any animal described in Section 1 of this Act and if the same is not claimed within five days may castrate such animal at the expense of the owner or owners.

Section 4. Any person who takes up any animal described in Section 2 of this Act shall make inquiry of the Clerk and Recorder of the county wherein such animal is taken up, and the County Clerk and Recorder of adjoining counties and the General Recorder of Marks and Brands at Helena and said officers shall inform the person who makes such inquiry whether such animal is recorded or not, and shall notify the owner if known who may within five days after the receipt of said notice take possession of said animal upon payment of costs not to exceed \$1.00 per day for time such animal is held. If ownership cannot be determined in the manner aforesaid then the person who takes up any animal described in Section 2 of this Act may castrate said animal.

Section 5. Any person or persons violating any of the provisions of this Act shall be punishable by a fine not exceeding fifty dollars and shall be liable to the owner of such animal for the damage sustained by such owner by reason thereof.

Section 6. Section 8836 of the Revised Codes of Montana, 1907, is hereby repealed.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1917.

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## CHAPTER 62, SESSION LAWS 1917.

“An Act Regulating the Running at Large of Bulls on Public Ranges or National Forest Reserves in the State of Montana, and Providing Penalties.”

Section 1. It shall be unlawful for any person, persons or corporations to turn upon, or allow to run at large on, the open range or National Forest Reserves within the State of Montana, any bull other than a pure bred bull of a recognized beef type.

The words “pure bred” when construed in connection with this Section shall mean high grade bulls of good and superior individuality with two top crosses of any of the recognized beef breeds.

Section 2. Any bull found running at large on the open range or National Forest Reserve in violation of the provisions of this Act may be taken up and castrated; provided

that the owner of such bull, if known, must be immediately notified by the person taking up such bull either by direct notice or by registered mail. Ten days after said notice has been given, or ten days after the mailing of registered letter, if the owner does not procure such bull, then the bull may be castrated by the person or agent of the person serving such notice. If the owner is unknown, then the person holding such bull must immediately notify the State Recorder of Marks and Brands who must notify the owner by registered mail or direct service, and also notify the person holding the bull the date of service or registration of service, and if not claimed in ten days after such notice, or if the owner is unknown to the Recorder of Marks and Brands, then the bull may be castrated.

Section 3. Any person, persons or corporation violating Section Two of this Act shall be guilty of a misdemeanor and shall be punishable by a fine of not less than Twenty-Five (\$25.00) Dollars and not more than Two Hundred Fifty (\$250.00) Dollars.

Section 4. The cost of holding and castrating any animals taken up under the provisions of this Act shall be charged against the owner of such animal and may be recovered in a civil action in any court of competent jurisdiction.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect immediately upon and after its passage and approval.

Approved February 22, 1917.

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### MONTANA STALLION LAW.

Original Act Approved March 8, 1909.

Amendments Approved March 8, 1915.

Section 1. (Original Act) Every person, firm or company, standing or using any stallion or jack for public service in this State shall cause the name, description and pedigree of such stallion or jack to be enrolled by a Stallion Registration Board, hereinafter provided for, and shall secure a license from said Board as provided for in Section 4 of this



Act. All enrollment and verification of pedigree shall be done by said Board.

Section 2. (Original Act) In order to carry out the provisions of this Act, there shall be constituted a Stallion Registration Board, whose duty it shall be to verify and register pedigrees; to employ one or more competent graduate veterinarians to make examination of the stallions for soundness, at one or more points in each county in the State; to pass upon certificates or veterinary examination; to issue stallion license certificate; to make all necessary rules and regulations; and to perform such other duties as may be necessary to carry out and enforce the provisions of this Act. Said Board shall hold an annual meeting at the College of Agriculture in Bozeman, the first Tuesday in February, and such other meetings as may be necessary.

Section 3. (Original Act) The Stallion Registration Board shall be composed of the President of the Montana Horse Breeders' Association, the State Veterinarian, and the Professor of Animal Husbandry at the Montana Experiment Station, who shall be secretary and executive officer of this Board.

Section 4. (Original Act). In order to secure the license certificate herein provided for, the owner shall apply for such to the Stallion Registration Board, after the stallion or jack has been examined for soundness the owner of such stallion or jack shall furnish to the Stallion Registration Board the veterinary certificate, and book registry certificate of pedigree of the stallion or jack and all other necessary papers relating to his breeding and ownership. Upon verification of pedigree and certificate of breeding, a stallion or jack certificate shall be issued to the owner.

The presence of any one or more of the following named diseases shall disqualify a stallion or jack for public service, except such stallions or jacks as were in public use or held for sale or public service at the time of the enactment and passage of this Act; such diseases or unsoundness hereby defined as infectious, contagious or transmissible diseases or unsoundness, for the purpose of this Act; Cataract, amaurosis, laryngeal hemiplegia, (roaring or whistling), chorea, (St. Vitus dance, cramping, shivering, springhalt) bone spavin, ringbone, side bone, glanders, farcy, maladie du coit, urethral gleet, mange, melanosis and curb when accompanied by curby hock.

The Stallion Registration Board is hereby authorized to refuse certificate of enrollment to any stallion or jack affected with any one of the diseases specified, and to revoke previously issued stallion license certificate of any stallion or jack found on examination to be so affected, except stallions or jacks in the State at the time of the enactment and passage of this Act.

No stallion or jack shall stand for public service in the State of Montana which is deformed or so badly diseased as to be, in the opinion of the Stallion Registration Board, wholly unfit for breeding purposes, and said Board is hereby authorized to refuse license certificates and registry for said animal.

Section 5. (Original Act) The Stallion Registration Board is authorized in case of emergency to grant temporary license certificate without veterinary examination, upon receipt of an affidavit of the owner to the effect that to the best of his knowledge and belief said horse or jack is free from infectious, contagious or transmissible disease or unsoundness. Temporary license certificates shall be valid only until veterinary examination can reasonably be made.

Stallions or jacks in the state previous to the passage and enactment of this law shall have described in their license certificate any hereditary diseases or unsoundness referred to in Section 4 of this Act.

Section 6. (Original Act) Every person, firm or company, importing any stallion or jack into the State of Montana, for breeding purposes, shall first secure a certificate from a recognized state or federal veterinary officer, certifying that said animal is free from any or all diseases or unsoundness referred to in Section 4 of this Act.

A copy of this certificate must be mailed to the Secretary of the Stallion Registration Board, at the Montana Experiment Station, Bozeman, Montana, at least ten days before the importation of said stallion or jack into the state.

No stallion or jack which is neither pure bred nor grade, according to the meaning of this Act shall be imported into this state for breeding purposes.

Section 7. (Original Act) The owner of any stallion or jack standing for public service in this state shall post and keep affixed during the entire breeding season copies of the license certificate of such stallion or jack, issued under the

provision of this Act, in a conspicuous place upon the main door leading into every stable or building where said stallion or jack stands for public service. Said copies shall be printed in bold face and conspicuous type, not smaller than small pica, especially the words "pure bred," "grade," etc.

Section 8. (Section 1 of Amendment.) The license certificate issued after proper examination of a stallion or jack whose sire and dam are of pure breeding, and the pedigree certificate of which is registered in a stud book recognized by the Montana Stallion Registration Board, and in the case of foreign pedigree certificates those which are registered in a stud book recognized by the United States Department of Agriculture, shall be in the following form:

### STALLION REGISTRATION BOARD.

#### License Certificate of Pure Bred Stallion or Jack.

The pedigree of the stallion (name) .....

Owned by ..... Bred by .....

Described as follows: .....color.....

Breed ..... Foaled in the year.....

has been examined by the Stallion Registration Board of Montana, and it is hereby certified that the said stallion or jack is of pure breeding, is registered in a stud book recognized by said Stallion Registration Board.

The above named stallion or jack has been examined by the veterinarian appointed by the Stallion Registration Board, and is reported as free from infectious, contagious or transmissible disease or unsoundness (or is affected with.....) and is licensed to stand for public service in the State of Montana.

Signed.....

Sec'y Stallion Registration Board of Montana.

The license certificate issued after proper examination for a stallion or jack whose sire or dam, but not both, is of pure breeding, shall be in the following form:

### STALLION REGISTRATION BOARD.

#### License Certificate of Grade Stallion or Jack.

The pedigree of the stallion (name) .....

Owned by ..... Bred by .....

Described as follows: ..... Color .....

Breed ..... Foaled in the year .....

has been examined by the Stallion Registration Board of Montana and it is hereby certified that the said stallion or jack is not of pure breeding, and is therefore not eligible for registration in any stud book recognized by the Stallion Registration Board.

The above named stallion or jack has been examined by the Veterinarian appointed by the Stallion Registration Board, and is reported as free from infectious, contagious or transmissible disease or unsoundness (or is affected with ..... ) and is licensed to stand for public service in the State of Montana.

Signed .....

Sec'y Stallion Registration Board of Montana.

Section 9. (Original Act) Every bill, poster or advertisement issued by the owner of any stallion or jack licensed under this Act, or used by him for advertising such stallion or jack shall contain a copy of his license certificate and shall not contain illustrations, pedigrees or other matter that is untruthful or misleading.

Section 10. (Section 1 of Amendment.) A fee of ten dollars (\$10.00) shall be paid to the Secretary of the Stallion Registration Board for the veterinary examination and enrollment of each pedigree and the issuance of a license certificate.

A fee not exceeding two dollars (\$2.00) shall be paid annually for the renewal of the license. Stallions or jacks shall be examined every four years, until ten years of age, and after the first examination shall be exempt from examination at ten years of age and over.

Section 11. (Original Act.) Upon transfer of the ownership of any stallion or jack licensed under the provisions of this Act the license certificate may be transferred by the secretary of this Board to the transferee upon the submittal of satisfactory proof of such transfer of ownership and upon the payment of one dollar (\$.100).

Section 12. (Original Act). Any person or persons knowingly or wilfully violating any of the provisions of this Act shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or by imprisonment for not less than thirty days or more than six months or by fine and imprisonment for each offense.

Section 13. The funds accruing from the above named fees shall be used by the Stallion Registration Board to defray the expenses of the veterinary examination, of enrollment of pedigrees and issuance of licenses. Any funds not so used shall be used to publish reports or bulletins containing lists of stallions examined, to encourage the horse and mule breeding interests of this state to disseminate information pertaining to horse breeding, and for any other such purposes as may be necessary to carry out the purposes and enforce the provisions of this Act.

Section 14. It shall be the duty of this Board to make annual report, including financial statements, to the Governor of the State, and all financial records of said Board shall be subject to inspection at any time by the public examiner.

Section 15. (Section 1 of Amendment.) No part of this Act shall apply to stallions turned upon the open range, and the term "Standing for Public Service," is hereby defined as the service of a stallion or jack for a fee when said stallion or jack is stood at one or more places for a public use.

Section 16. (Section 1 of Amendment.) No railroad company, transportation company, or common carrier shall transport into the State of Montana any stallion or jack unless accompanied by a state or federal veterinary certificate as provided in Section 6 of this Act. Violation of this provision shall be punished as provided in Section 12 of this Act.

Section 17. (Section 2 of Amendment.) All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 18. (Section 3 of Amendment.) This Act shall be in full force and effect from and after its passage and approval by the Governor.

Original Act approved March 8, 1909.

Amendments approved March 8, 1915.

## CHAPTER 130, SESSION LAWS OF MONTANA, 1911.

### Extracts from PURE FOOD LAW.

Section 3. No person either by himself or by his servant or agent or as the servant or agent of another person, shall sell, exchange or deliver, expose or offer for sale or exchange adulterated milk, or milk to which water or any foreign substance has been added, milk produced from cows which have been fed on fermenting refuse from distilleries, breweries, or sugar factories or stable bedding or barnyard refuse, provided that fermenting pulp fed in conjunction with ground alfalfa and syrup be excepted, or from sick or diseased cows, or as pure, milk from which the cream or part thereof has been removed, or milk collected or kept or handled under conditions which are not cleanly or sanitary and which do not conform to the rules and regulations of the State Board of Health made in conformity with the provisions of this Act, or milk containing less than eight and one-half ( $8\frac{1}{2}$ ) per cent of milk solids, exclusive of fat, and three and twenty-five hundredths (3.25) per cent of milk fat, or milk which contains any added color preservative, or as cream, milk containing less than twenty (20) per cent of milk fat.

Section 6. The State Veterinarian, either in person or by his deputies shall tuberculin test all cattle used in and about all dairies in the State of Montana at least once during each calendar year; and all persons, firms or corporations conducting a dairy in this state shall file with the Secretary of the State Board of Health a certificate for each cow hereafter added to his dairy, which certificate shall be signed by a veterinarian approved by the State Board of Health and shall state that such cow has been tuberculin tested by him and found to be free from tuberculosis, and such certificate shall contain a description of such cow, which description shall be sufficiently complete to identify the cow; and any



person or firm or corporation using any cow in his dairy, or keeping any cow on his dairy premises, which has not been tuberculin tested and found free from tuberculosis shall be guilty of a misdemeanor and shall be deemed guilty of selling milk from diseased cows. For the purpose of this Act any person shall be deemed as conducting a dairy who offers for sale any milk or cream, or who sells milk or cream to any butter factory, creamery or other place where milk or milk products are manufactured or sold.

Section 7. It shall be unlawful for any person, persons, firm or corporation to sell within this State or to have within his or their possession with the intent to sell within this State for human food, the carcass or parts of the carcass of any animal which has been slaughtered, prepared, handled or kept under unsanitary conditions; and unsanitary conditions shall be deemed to exist whenever and wherever any one or more of the following conditions are found to appear, to-wit: If the slaughter house is dilapidated or in a state of decay; if the floor or side walls are soaked with decaying blood or other animal matter, if efficient fly screens are not provided, if the drainage of the slaughter house yard is not efficient, if maggots or filthy pools or hog wallows exist in the slaughter-house yard or under the slaughter-house floor, if the water supply used in connection with the cleaning or preparing of the meat is not pure and uncontaminated; if the hogs are kept in the slaughter-house yard or fed therein on animal offal, or if the odors of putrifaction plainly exist in or about the slaughter-house; if carcasses or parts of carcasses are transported from place to place when not covered with clean white cloths, or if kept in unclean or bad smelling refrigerator or refrigerators, or if kept in unclean or foul smelling store rooms. It shall be unlawful for any person, persons, firm or corporation to have in his or their possession with intent to sell the carcass of any animal or fowl which has died from any cause other than being slaughtered in a sanitary manner, or the carcass or part of the carcass of any animal that shows evidence of any disease or that came from a sick or diseased animal, or the carcass or part of the carcass of any calf that was killed before it had attained the age of four weeks.

It shall be unlawful for any person, persons, firm or corporation to sell or offer for sale any eggs after the same have

been placed in an incubator, or to sell or offer for sale to be used as food, knowingly, eggs in a rotten, decayed or decaying condition.

It shall be the duty of all peace or health officers to seize any animal carcass or parts of carcasses or any domestic or wild fowl, eggs, game, fish or other food product found to be unwholesome and which are intended for sale or offered for sale for human food, or which have been slaughtered or prepared, handled or kept under unsanitary conditions as herein defined or as the rules and regulations of the State Board of Health may designate, and shall deliver the same forthwith to and before the nearest police judge or justice of the peace, together with all information obtained, and said police judge or said justice of the peace shall issue warrants of arrest for all persons believed to have violated any provisions of this Act, and said cause shall be tried at an early date thereafter. The said police judge or justice of the peace shall immediately drench the unwholesome food brought before him with kerosene and require the owner thereof to immediately dispose of the same in a sanitary manner, or he may, in his discretion, order the unwholesome food rendered into grease and tannage.

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### SECTIONS FROM THE PENAL CODES.

**8506. Killing or Selling Meat of Calf Less Than Four Weeks Old.** Whoever kills, or causes to be killed, for the purpose of sale, a calf less than four weeks old, or knowingly sells or has in his possession, with intent to sell for food, the meat of such calf, shall be fined not exceeding Fifty (\$50.00) Dollars, or be imprisoned not exceeding thirty days in the county jail, or both such fine and imprisonment. (Act approved March 8, 1907, ss 14.) (10th Sess., Chap. 175.)

**8531. Using or Exposing Animals with Glanders.** Any person who shall knowingly sell or offer for sale or use, or expose, or who shall cause or procure to be sold or offered for sale, or used, or exposed, any horse, mule, or other animal having the disease known as glanders, farcy, or any contagious disease, or violates any of the provisions of SS 1900 (3063) of the Political Code, is guilty of a misdemeanor.

**8532. Animal Having Glanders to be Killed.** Every animal having glanders or farcy, shall at once be deprived of life by the owner or person having charge thereof, upon discovery or knowledge of its condition; and any such owner or person omitting or refusing to comply with the provisions of this Section, is guilty of a misdemeanor.

**8690. False Pedigree of Animals, Etc.** Every person who makes, publishes, delivers or uses any false or fraudulent pedigree of any horse, cattle, sheep or other domestic animal for the purpose of increasing the value of the animal is punishable by a fine not exceeding five hundred dollars.

**8691. Selling Animal with False Pedigree.** Every person who by statements or representations concerning a false or fraudulent pedigree sells to another any domestic animal and such animal is not of the breeding or pedigree as represented, is punishable by a fine not exceeding fifty dollars, and is liable to the purchaser in a civil action for double the value or price paid for the animal.

**8775. Abandonment of Disabled Animals.** Every person being the owner, or in possession or having charge or custody of a maimed, diseased or infirm animal, who abandons and leaves such animal to die in the street, highway or public place, is guilty of a misdemeanor and such animal may be killed by any sheriff or peace officer in a humane manner, and the owner shall be liable for the necessary care of such animal while living and for the cost of disposing of the carcass. (Act approved February 25, 1905.) (9th Sess., Chap. 35.)

**8778. Poisoning Animals.** Every person who wilfully administers any poison to an animal the property of another or maliciously exposes any poisonous substance with the intent that the same shall be taken or swallowed by any such animal is punishable by imprisonment in the state prison not exceeding three years or in the county jail not exceeding one year, or by a fine not exceeding five hundred dollars, or by both fine and imprisonment.

**8779. Keeping Cows in Unhealthy Places.** Any person who keeps a cow or any animal for the production of milk in a crowded or unhealthy place or in a diseased condition, or feeds such cow or animal upon food that produces impure or unwholesome milk, is punishable by imprisonment in the

county jail not exceeding three months or by fine not exceeding two hundred dollars, or both.

**8837. Ram Running at Large.** Every person who owns, controls, or has the custody of any ram or he goat, and allows the same to run at large between the first day of August and the first day of December of each year, is punishable by a fine not exceeding twenty dollars.

**8838. Swine Running at Large.** That hereafter it shall be unlawful for any owner or owners of swine to permit the same to run at large. (Act approved March 6, 1895.)

**8841. Removing Skin From Animals.** Every person who removes the skin from an animal and leaves the carcass within one-quarter of a mile of a dwelling is punishable by a fine not exceeding twenty-five dollars.

**8842. Scabby Sheep.** Every person who removes from one point to another in any of the counties of this state, or from one county to another, any scabby sheep, or any sheep that have been scabby within one year, without the written certificate of the sheep inspector, or the written consent of all the sheep owners or managers along the route, and in the vicinity of the proposed location, is punishable by a fine not exceeding one thousand dollars. This Section does not apply to scabby sheep imported into this state and against which quarantine has been declared.

**8843. Bringing Infected Animals into State.** Every person who brings into this state sheep infected with scab or other infectious disease, or any horses, mules, asses or cattle infected with any contagious disease, is punishable by a fine not exceeding five hundred dollars.

**8844. Disobeying Orders of State Veterinary Surgeon.** Every person who fails to comply with or disregards any lawful order or direction made by the State Veterinary Surgeon, or Deputy, or Deputy Sheep Inspector, under the provisions of the Political Code, concerning scab and other contagious diseases among sheep, or to prevent the spread of disease among cattle, is punishable by a fine not exceeding five hundred dollars.

**8845. Receiving and Transporting Diseased Sheep.** Every person who, after the publication of the proclamation of the Governor of this State prohibiting the importation of diseased sheep into this state, knowingly receives any such

sheep from any of the prohibited districts, or transports the same within the limits of the state, is punishable by a fine not exceeding five hundred dollars.

**8846. Moving Diseased Sheep.** Every person in charge of sheep being shipped into this state, against which quarantine has been declared, as specified in the last preceding Section, and fails to notify the deputy inspector of the county in which such sheep are brought, or allows any such sheep to pass over or upon any public highway, or upon the ranges occupied by other sheep, or within five miles of any corral in which sheep are regularly corralled, before such sheep are inspected as provided by law, is punishable by a fine not exceeding five hundred dollars.

**8847. Importing Diseased Cattle into State.** Every person who imports into this state any cattle, horses, mules or asses, after the governor has made proclamation holding in quarantine for the purpose of inspection for contagious or infectious diseases, such animals, and allows the same or any of them to leave the place of their first arrival in this state, until they have been examined by the state veterinary surgeon, and a certificate has been obtained therefrom that such animals are free from disease, or permits any such animals to run at large, or to be removed, or to escape before such certificate has been received, is punishable by a fine not exceeding five hundred dollars. This section does not apply to any animals driven in harness, or under yoke, or ridden by their owners into this state.

**8848. Receiving or Transporting Diseased Cattle.** Every person who, after the publication of such proclamation knowingly receives or transports within the limits of this state any animal mentioned in the preceding Section, before the certificate mentioned therein has been given, is punishable by a fine not exceeding ten thousand dollars.

**8849. Obstructing Veterinary Surgeon, Etc.** Every person who owns or has the custody of any cattle, horses, mules, or asses infected with contagious disease, and fails to immediately report the same to the state veterinary surgeon, or conceals the existence of such disease, or attempts to do so, or wilfully obstructs or resists the said veterinary surgeon in the discharge of his duty as provided by law, or sells, gives away or uses the meat or milk, or removes the skin or any part of

such animal is punishable by a fine not exceeding five hundred dollars.

**8867. Diseased Animals.** It is unlawful for any person having in charge any horse, mule, ass, sheep, hog, or cattle, affected with a contagious disease, to allow such animal to run on any range or to be within any enclosure where they may come in contact with any other animal not so diseased. All animals so affected must be immediately removed to an inside enclosure secure from other animals, or must be herded six miles away from any farm or ranch or from any other stock running at large or being herded. Every person who neglects or refuses to remove, or inclose, or herd as aforesaid, such diseased animals, is guilty of a misdemeanor and liable in damages to the party injured.

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## CHAPTER 82, SESSION LAWS 1913.

“An Act to Regulate the Practice of Veterinary Medicine and Surgery in the State of Montana; and to establish a Board of Examiners in Veterinary Medicine and Surgery; and to define offenses committed contrary to the provisions of this Act; and providing penalties for the violation thereof.”

**Be It Enacted by the Legislative Assembly of the State of Montana:**

**Section 1. State Board of Veterinary Medical Examiners.** That there be and is hereby created a State Board of Veterinary Medical Examiners to be appointed by the Governor of the State of Montana, which shall consist of three reputable practitioners of veterinary medicine and surgery, who shall have graduated from some college authorized by law and recognized by the American Veterinary Medical Association to confer degrees, and each of whom shall, after the first board has been appointed, be licensed under this Act. The appointments first made shall be for one year, one for two years, and one for four years, and, thereafter, appointments shall be made for the term of four years. The Montana State Veterinary Medical Society shall, at each annual meeting nominate twice the number of examiners to be appointed that year on the Board. The names of such nominees shall be annually transmitted under seal by the president and secretary prior to May 1st, to the Governor, who shall, prior to



August 1st, appoint from such lists the examiners that will be required to fill any vacancies that will occur from expiration of term on July 31st. Any other vacancy, however, occurring, shall likewise be filled by the Governor for the unexpired term. Each nominee, before appointment, shall furnish to the Governor proof that he has received a degree in veterinary medicine from an authorized veterinary medical school and that he has actually and legally practiced veterinary medicine in this State for at least two years. If no nominees are legally before him from the Society, the Governor may appoint from the members of the veterinary profession in good standing in Montana without restriction. The Governor may, after due notice and hearing, remove any examiner for misconduct, incapacity or neglect of duty.

**Section 2. Certificate of Appointment; Oath; Officers; Meetings; Quorum; Powers.** Every veterinary medical examiner shall receive a certificate of appointment from the Governor, and, before beginning his term of office, shall file with the Secretary of State, the Constitutional oath of office. The Board shall annually elect from its members a president, vice-president, and secretary-treasurer, and shall hold two regular meetings each year. At any meeting a majority shall constitute a quorum. If any member of the Board shall, without cause, absent himself from two of its regular meetings consecutively, his office shall be deemed vacant. The Board may take testimony and proofs concerning all matters within its jurisdiction. The Board may make all by-laws and rules not inconsistent with law needed in performing its duties.

**Section 3. Expenses; Record; Bond; Moneys; Report.** Each member of the Board shall be entitled to receive all necessary traveling and incidental expenses, provided such expenses shall not exceed the amount in the treasury in any fiscal year. The secretary-treasurer shall receive an additional salary to be fixed by the Board and not to exceed one hundred and fifty dollars per annum, (\$150.00 per annum.) The secretary-treasurer shall give bond in such sum and with such conditions as the Board may from time to time direct. The Board shall keep full and complete minutes of its proceedings and of its receipts and disbursements, and a full and accurate list of all persons licensed and registered by it, and such rec-

ords shall be public records, and shall, at all times, be open to public inspection. The secretary-treasurer of said Board shall be the legal custodian of all moneys received for licenses or certificate of registration, as provided by this article, up to and including the sum of one thousand dollars (\$1,000.00) which shall constitute a trust fund to be used, besides salaries and other expenses of the Board, in carrying on prosecutions under the provisions of this Act. If, at any time, the amount of money received, after deducting such salaries and expenses, shall amount to more than one thousand dollars (\$1,000.00), the secretary-treasurer shall forward the same to the Treasurer of the State of Montana, and receive his official receipt for same. Said Board shall, not later than July 15th, of each year, submit to the Governor a full and complete report of its proceedings during the twelve months immediately preceding.

**Section 4. Application; Examination; Fees.** Any person desiring to begin the practice of veterinary medicine or veterinary surgery in the State of Montana, or who shall desire to hold himself or herself out to the public as a practitioner of veterinary medicine or veterinary surgery, except as provided in Section Ten of this Act, shall make application to said Board of Examiners for license to do so. Such application shall be upon a blank furnished by said Board, and shall be accompanied by satisfactory evidence of the good moral character of the applicant, and shall present evidence of having graduated in and received a degree from a legally authorized veterinary medical school recognized by the American Veterinary Medical Association; said school or College having a curriculum requiring a three-year course or its equivalent for graduation. On application, the diploma of said applicant shall be submitted to said Board for inspection and verification. Every person applying to said Board for license to practice shall pay to the Board the fee of ten dollars (\$10.00) which fee shall in no case be refunded, and which shall become a part of the funds of the treasury of the Board. Said Board shall, by means of examination, either oral or written as the Board may determine, ascertain the professional qualifications for license of all applicants under this Act, and shall issue such license to all who are found upon examination to be in the judgment of said Board

competent to practice, and no such license shall be issued to any person who is not found by such examination to be competent. Such examination shall be held at a time and place or places specified by said Board, and shall include suitable questions for a thorough examination in comparative anatomy, physiology and hygiene, in chemistry and veterinary surgery, obstetrics, pathology and diagnosis and therapeutics, including practice and materia medica, bacteriology, parasitology and other branches deemed advisable by the Board. Said Board shall consecutively number all applications received and note upon each the disposition made of it and preserve same for reference, and shall number consecutively all licenses issued. Provided that veterinarians holding a diploma from a recognized veterinary medical school, who are at the time of the passage and approval of this Act engaged in the practice of veterinary medicine in the State of Montana, shall be entitled to a license without examination. Any candidate failing in one subject with a general average of eighty per cent in the others may be re-examined in that subject at any regular examination; failing in one subject with a lower average or in two or more subjects, may be admitted to a subsequent examination on original fee after six months have elapsed and must take the examination in all subjects. The Board may issue temporary license to such candidate, allowing him or her to practice pending the successful passage of an examination.

**Section 5. Application for License as Farrier.** Any person desiring to begin the practice of treating domestic animals in the State of Montana, under the title of Farrier, shall make application to said Board of Veterinary Medical Examiners on or before July 1, 1913, so to do. Such application shall be upon a form furnished by said Board, and shall be accompanied by the fee prescribed in Section 4 of this Act, and satisfactory evidence of the good moral character of the applicant, who shall present satisfactory evidence of having resided in the State of Montana for a period of twenty-four months immediately previous to the passage and approval of this Act, and of having treated domestic animals as a part of his or her avocation during that period, and a license shall be granted. Such license shall entitle him or her to all the rights and privileges of this Act, except those contained in Section Eight.

**Section 6. Farrier Defined: Qualifications for Practice.** Any person who has had experience in treating diseases of domestic animals.

**Section 7. License; Certificate of Registration; Fee; Revocation.** The State Board of Veterinary Medical Examiners will, at the conclusion of a regular examination, if in their judgment the applicant is duly qualified therefor, issue a license to practice veterinary medicine and surgery or farriery. Every license so granted by the Board shall be issued under seal and shall be signed by each acting Veterinary Medical Examiner of the board, and shall state that the licensee has given satisfactory evidence of fitness as to age, character, veterinary medical education, and all other matters required by law, and that after full examination he or she has been found duly qualified to practice. Each person licensed by the Board to practice veterinary medicine or veterinary surgery or farriery in this State, shall procure from the Secretary of the Board, on or before July 1st, annually, his certificate of registration. Such certificate shall be issued by the secretary upon the payment of a fee of two dollars (\$2.00), and certificates so issued shall be prima facie evidence of the right of the holder to practice veterinary medicine or veterinary surgery or farriery in the State during the time for which they are issued. Any certificate of license, granted by the Board, may be revoked upon conviction of the party holding such certificate or license, of a violation of any of the provisions of this Act.

**Section 8. Display License and Certificate; Arrangement with other Boards.** Every person practicing veterinary medicine or veterinary surgery in the State of Montana, or representing himself as so practicing, shall display or cause to be displayed in his or her usual place of business, license or certificate of registration issued to him or pursuant to the provisions of this Act. The Board of Examiners shall make arrangements with similiar board in the several states in so far as practicable, whereby due credit for State and Territorial license will be allowed in the State of Montana to such licensees of said boards as desire to secure license or practice veterinary medicine or surgery in this State, and whereby licensees of the Board of Veterinary Medical Examiners in this State will secure due credit for license issued by said Board, whenever such licensees desire

to secure license to practice in any other State or Territory; but no arrangement shall be made under the provisions of this Section which shall be liable to lower the standard of practice of veterinary medicine or surgery in the State of Montana. The Board may, if deemed necessary, require an examination of applicants for license from other states after careful consideration of credentials for such states.

**Section 9. Veterinary Medicine and Surgery Defined; Qualifications for Practice.** Any person shall be regarded as practicing veterinary medicine or surgery in the State of Montana, who shall append or cause to be appended to his name upon any display or advertisement published the letters V. S., D. V. M., V. M. D., M. D. C., D. V. S., or M. R. C. V. S., or the words, "Veterinary," "Veterinarian," "Veterinary Surgeon," "Veterinary Dentist," "Veterinary Horse-Shoer," "Horse Dentist" or "Horse Doctor," who shall publicly profess to do any of these things, directly or indirectly, as a veterinarian. No person shall practice veterinary medicine veterinary surgery, or farriery, in the State of Montana after July 1, 1913, unless licensed by the State Board of Veterinary Medical Examiners of the State of Montana and registered as required by this article; nor shall any person practice veterinary medicine, surgery, or farriery, whose authority to practice is suspended or revoked by said Board.

**Section 10. Revocation of Certificate.** On hearing, the Board may revoke any certificate which is obtained by fraud or where the holder is guilty of gross moral or professional misconduct.

**Section 11. Construction of this Article.** This article shall not be construed to effect commissioned veterinary medical officers serving in the United States Army or in the United States Bureau of Animal Industry while so commissioned; or any person doing castrating or spaying, or giving gratuitous services; or any person treating an animal belonging to himself as the case may be; or any lawfully qualified veterinarian in other states or any foreign country meeting legally registered veterinarians in this State in consultation; or any veterinarian residing on a border of a neighboring state and duly authorized under the laws thereof to practice veterinary medicine therein, whose practice extends into this State, and who does not open an office

or appoint a place to meet patients or receive calls within this State.

**Section 12. Penalties and Their Collection.** Every person who shall practice veterinary medicine or farriery in this State without lawful registration or in violation of any provisions of this article shall forfeit to the county wherein such person shall so practice, or in which any violation shall be committed, not to exceed fifty (\$50.00) for every such violation, and for every day of unlawful practice, and any incorporated veterinary medical society of the State may bring action in the name of such county for the collection of such penalties, and the expense incurred by such prosecution, including necessary counsel fees, may be retained by such society out of the penalties so collected, and the residue, if any, shall be paid into the county treasury. The State Board of Veterinary Medical Examiners may, out of the funds in the treasury, when sufficient proof is before them, begin proceedings for prosecution under the provisions of this Act, independent of such state societies. Any person who shall practice veterinary medicine or farriery under a false or assumed name, or who shall falsely impersonate another practitioner of a like or different name, shall be guilty of a felony; and any person guilty of violating any of the provisions of this article, not otherwise specially punished herein, or who buy, sell or obtain any veterinary medical diploma, license, record of registration, or who shall aid or abet such buying, selling or fraudulently obtaining, or who shall practice veterinary medicine or farriery under cover of a license or diploma illegally obtained, or signed or issued unlawfully under fraudulent representation, or mistake of fact in material regard, shall attempt to practice veterinary medicine or farriery, and any person who shall, without having been authorized so to do legally, append any veterinary title to his or her name, or shall assume to advertise any veterinary title in such a manner as to convey the impression that he or she is a lawful practitioner of veterinary medicine or farriery shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than fifty dollars, or by imprisonment in the county jail not more than twenty-five days, or both such fine and imprisonment.



Section 13. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 14. Whereas an emergency exists, this Act shall take effect immediately upon its passage and approval as provided by law.

Approved March 13, 1913.

## OPINIONS OF THE ATTORNEY GENERAL.

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**Meat of Tuberculosis Animals, When May Be Used for Human Consumption. Tuberculosis Animals, When Meat of May Be Used. State Sanitary Board, Authority to Issue Rule Regulating the Sale of Meat of Tuberculous Animals.**

Where no lesion is found which affects the value of meat for human consumption, or if the tuberculosis is not extensive or generalized and its presence does not affect the value of the meat for human consumption, the same may be sold for food without violating any provision of the laws of this State, and a rule or regulation to that effect issued by the state sanitary board is a proper rule.

(See Section 25, Chapter 157, Session Laws 1917.)

May 10, 1911.

Dr. M. E. Knowles,  
State Veterinarian,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter of May 5th, stating that some time ago the sanitary board issued an order permitting the use for human consumption of carcasses of cattle killed on account of tuberculosis, where the lesions were small and inconsiderable, confined to the bronchial glands; or to the mesenteric glands where the disease had made slight progress, and requesting my opinion as to whether or not the board had a right to issue such an order. By reference to the laws and regulations of the Montana live stock sanitary board, I find that the rule to which you have reference is contained on page 16 of your pamphlet of rules dated January 1, 1910, and is as follows:

"The carcasses of all cattle slaughtered on account of tuberculosis may be sold for beef for human consumption, providing, the carcasses pass the inspection of the official veterinary surgeon, who must not permit any carcass to be disposed of for human consumption if the tuberculosis is generalized. Only carcasses will be allowed to be sold where the infection is confined to the mediastinal and mesenteric lymphatics to slight degree."

Subdivision 3 of Section 1890, Revised Codes of 1907, provides:

"When no lesion is found and the value of the meat for human consumption has not been affected, the veterinary surgeon holding autopsy shall issue

a permit of sale and the carcass may be sold for food, after inspection and proper certification of such fact is made by the state veterinary surgeon or deputy."

Section 1520, Revised Codes, provides:

"It shall be unlawful to sell or offer for sale, buy or offer to buy, take or give away, for the purpose of food, any animal suffering from \* \* \* extensive or generalized tuberculosis."

There are only two provisions of our code bearing on your question, and it would appear that if no lesion is found which affects the value of the meat for human consumption, or if the tuberculosis is not extensive or generalized and its presence does not affect the value of the meat for human consumption—the same may be sold for food without violating any provisions of the laws of this state. I see no objection to the rule of the board above quoted, but, of course, the official inspecting the carcasses would not be allowed to pass the same as fit for human consumption if any lesion was found which affects the value of the meat for human consumption or if the tuberculosis is found to be "extensive or generalized."

In this connection, as a matter of scientific research, our attention has been called to the fact that Prof. Ostertag in his hand book of meat inspection, pages 634 and 635, states that local tuberculosis in an animal does not render the meat harmful for human consumption, using the following language:

"The belief that the meat of tuberculosis animals is, as a rule, harmless and that only in exceptional cases does it possess harmful properties must be looked upon as scientifically well founded.

"It is one of Johne's great merits that he introduced clear conceptions concerning the harmfulness of the meat of tuberculosis animals in the place of the previously prevailing vague and ill-defined ones. Johne established the proposition that "the gist of the question regarding the point of time from which the meat of tuberculous animals is to be considered as infected and therefore infectious is not, as maintained by Gerlach, determined by the affection of the lymphatic glands of the neighboring organs, but simply by the demonstration of generalized tuberculosis. This alone furnishes positive proof of the fact that the virus has entered into the sys-

temic circulation and has infected the meat. Not until this point of time, therefore, are we justified in unconditionally excluding from the market a given piece of meat. Thus formulated, this principle constitutes a great stride in advance as contrasted with the general, meaningless phrases which formerly passed current regarding the judgment of meat of tuberculous animals and which are, unfortunately, still to be found in some regulations concerning meat inspection.

"The conception of the generalization of tuberculosis which Weigert introduces into pathological anatomy has become an axiom in meat inspection since Johne. At present, the view is generally entertained that in undoubted cases of local tuberculosis the meat is harmless, while in generalized cases it is harmful. In cases intermediate between the local and generalized form, according to the rules which serve for the guidance of sanitary police, viz., to assume in dubio the less favorable condition, the meat is to be suspected of possessing harmful properties and is to be treated accordingly.

"The first point, the assumption of the harmlessness of meat in cases of undoubted local tuberculosis, will probably remain for all time as an immutable dogma of meat inspection. The second proposition, on the other hand, viz., that the generalization of tuberculosis is always associated with a harmful property of meat, can no longer be maintained. Only under certain conditions and not uniformly does the generalization of tuberculosis produce a harmful property in the meat."

You are therefore advised that the rule or regulation which the live stock sanitary board has adopted is not in conflict with the laws of this state, and it also appears to be a reasonable and proper rule from a scientific standpoint as shown by the above quotation from Dr. Ostertag's text, but the official inspector must be careful to resolve every doubt in favor of the public, and not permit any carcass to be used for food if there remains any doubt as to its fitness for that purpose.

Yours very truly,  
ALBERT J. GALEN, Attorney General.

**Dairy Cattle, Testing for Tuberculosis. Live Stock, Testing for Tuberculosis. State Veterinary Surgeon, Interfering with Inspection by. Dairy Cattle, Owners to Notify State Veterinarian of Diseases.**

The owner of cattle may test or have same tested by others than officials of live stock sanitary board, but if any owner or other person hinders, resists, or obstructs any official or employee of the live stock sanitary board in the discharge of his duties he is guilty of a misdemeanor. It is the duty of every owner or person in charge of cattle to immediately notify the state veterinary surgeon of the existence of communicable disease in cattle.

Persons testing dairy cattle for the purpose of obstructing or preventing the state veterinarian from obtaining proper test of animals would be guilty of violating Section 1898, Revised Codes. (See Section 31, Chapter 157, Session Laws 1917.)

July 5, 1911.

Dr. M. E. Knowles, State Veterinarian,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter of June 30th, wherein you state that certain individuals and owners of dairy herds in Silver Bow County have been tuberculin testing cattle with the evident purpose of interfering with the legitimate and official test by your office by tuberculizing their cattle to such a degree that the official inspector could obtain no result by his test, and for the further possible reason of determining the number of diseased cattle in their herds before official inspection, so that the same might be disposed of by sale or otherwise, thus evading the loss that would occur should tuberculosis be found in the herds and such herds destroyed, officially. You also state that the injection of tuberculin in the cattle wholly nullifies the legitimate tuberculin test of the same cattle within a period of thirty days, and for that reason you would be unable to determine whether or not cattle tested by you were infected with tuberculosis. You request my opinion as to whether or not it will be possible for you to punish those who have been testing their cattle and what steps you should take to prevent the tuberculizing of cattle in the future by others than inspectors of your office.

In reply I will say that I know of no law which prohibits the owner of cattle from having them tuberculin tested by others than officials of the live stock sanitary board, but, under the provision of Sec. 1898, (see Section 31, Chapter 157, Session Laws 1917), if any owner or custodian or any other person shall in any manner hinder, resist or obstruct any officer or employee of the live stock sanitary board in the discharge of his duty or in the exercise of his lawful powers, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail not more than six months, or both such fine and imprisonment; and under the provisions of Sec. 1894, (see Section 27, Chapter 157, Session Laws 1917) and person, including the owner or custodian who has reason to suspect the existence of any disease mentioned in the Act among live stock, or the presence of an exposed animal at any point within the state, shall forthwith give notice thereof to the state veterinary surgeon.

It will be noticed, therefore, that it is the duty of every owner or person in charge of cattle to immediately notify the state veterinary surgeon of the existence of tuberculosis in the animals, and a failure to do so is punishable as provided by Section 1898 of the Revised Codes.

It is also my opinion that if any person should test dairy herds for the purpose of obstructing or preventing your office from obtaining proper test of the animals that he could also be punished under the provisions of Section 1898 above referred to.

You are, therefore, advised that you should swear out a complaint before a justice of the peace of the county, and prosecute any owner who fails to notify you of the existence of tuberculosis in his dairy herd, and also against any individual who is hindering or attempting to obstruct your office in the testing of dairy cattle, as provided by law.

Yours very truly,

ALBERT J. GALEN,  
Attorney General.



**Live Stock, When May Be Shipped Into this State From Other States. Quarantine, As Against Live Stock From Other States. State, Right to Protect Itself Against Disease From Shipment of Animals Into This State.**

In the absence of legislation by Congress, a state may protect itself against disease and may enact legislation for the inspection of animals coming from other states for the purpose of excluding those which are diseased and admitting those which are healthy, but where Congress has enacted inspection laws, these laws supersede those enacted by the state, and if animals destined for shipment into this state are accompanied by a Federal certificate of inspection they cannot be excluded by the state.

October 10th, 1912.

Dr. M. E. Knowles, State Veterinarian,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter of September 26th stating that on account of a fatal and rapidly developing epizootic disease among horses in Kansas and Nebraska, you, on September 18th, wired all railroad companies operating interstate not to accept any shipments of horses from either of these states designed to Montana, and that in reply to your order the Northern Pacific has notified you that they have been informed by their legal department that they cannot refuse to accept horses for transportation to Montana if accompanied by a federal certificate of health. You request my official opinion as to whether or not your order is legal and can be enforced.

In reply I will say that your order is too broad. The governmental power over inter-state commerce is vested exclusively in Congress by the Commerce Laws of the Constitution, and therefore, is withdrawn from the states; but in the absence of legislation by Congress, a state may protect itself against disease, and may enact legislation for the inspection of animals coming from other states for the purpose of excluding those which are diseased and admitting those which are healthy.

Reed vs. Colo., 187 U. S. 137.

A state cannot, however, exclude all animals, whether diseased or not, coming from other states.

R. R. vs. Husen, 95 U. S. 465.

But by the Act of Congress, February 2nd, 1903, and the Act of March 3, 1905, (32 St. 791; 33 St. 1264; U. S. Comp. St. Sup. 1905, pp. 610 to 620) it is enacted that when the inspector of the Bureau of Animal Industry has issued a certificate that he has inspected cattle or live stock and found them free from disease, "such animals so inspected and certified may be shipped, driven, or transported \* \* \* into \* \* \* state or territory \* \* \* without further inspection or the exaction of fees of any kind, except such as may at any time be ordered or exacted by the Secretary of Agriculture." This is the supreme law, and if the state law conflicts with it the state law must yield.

Asbell vs. Kansas, 209 U. S. 251.

The Secretary of Agriculture may, under authority conferred upon him by Congress as above stated, have issued certain rulings with reference to quarantined states or districts which I am not aware of and I would advise you to take this matter up with him in the event you desire to prevent horses being shipped into this state from Kansas and Nebraska. In the absence of any rulings by that department you can only exclude such animals as have failed to pass the federal inspection.

Yours very truly,

ALBERT J. GALEN,  
Attorney General.

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**Common Carriers. Transportation of Sheep. Inter-state Shipments. Duty of Carrier to Notify State Veterinarian. Duty of Carrier to Hold Inter-state Shipments of Sheep Until Inspected. Sheep. Inspection.**

It is the duty of common carriers to notify the state veterinarian of shipments of sheep into this state. Sec. 1 of Chap. 123, Session Laws, Thirteenth Legislative Assembly, (See Section 22, Chapter 157; Session Laws 1917.) makes it the duty of the state veterinarian to inspect all sheep imported into this state, when held for a longer time than necessary to feed them in transit: Held, that it is the duty of the carrier to hold shipments of sheep consigned to points within the state until opportunity is given the state veterinarian to inspect same.

September 8th, 1913.

Dr. W. J. Butler, State Veterinary Surgeon,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 6th instant, as follows:

"I request an opinion from your office as to whether or not the transportation and express companies are required to notify this office of shipments of sheep into this state.

"I also request an opinion as to whether or not railroad and express companies must hold interstate shipments of sheep at their railroad destination in Montana until they have been released by an inspector of the sheep commission of Montana."

Complying with your request, I have given careful consideration to the propositions propounded by you. As to the first, I am of the opinion that the law makes it the positive duty of carriers to notify your office of shipments of sheep into this state. Secs. 1868 and 1870, R. C. (See Section 19, Chapter 157; Session Laws 1917.)

As to the second proposition contained in your communication, you are advised that there is no statutory enactment of which I am aware which requires carriers to hold interstate shipments of sheep at their railroad destination in Montana until they have been released by the inspector of the sheep commission of Montana. However, Sec. 1 of Chap. 123, Session Laws of the Thirteenth Legislative Assembly, makes it the duty of your office to inspect and dip all sheep imported into this state when held for a longer time than necessary to feed them in transit with the proviso that when it appears that such sheep so imported into the state have been inspected by a federal inspector and found to be free from disease, etc., that such sheep may be taken to the range where they are to be kept without being dipped, but they must nevertheless be inspected by your department before being so taken, and in the case of rams special requirements as to dipping at or near the point of entry into the state as practical is provided for. It is also provided generally that your office may require any sheep shipped or driven into the state dipped and quarantined. Sec. 1868, R. C., provides in part that when any sheep are delivered to any railroad or transportation company for shipment to this state as the

point of destination, it shall be the duty of such company to notify your office by telegraph of the date of shipment, name of the place from which they are to be shipped, the point of destination, the name of the consignor and consignee, and the probable date of arrival of said shipment at the state line of Montana, and Sec. 1871 (See Section 20, Chapter 157, Session Laws 1917) provides in part that within five days previous to the arrival of any sheep into the state from another state or territory, the owner or agent in charge of such sheep must report by telegraphic dispatch to your office, stating from what country, state or territory such sheep are shipped or being driven from, the number thereof and the place where they will first enter the state, and where it is intended to unload them. Proviso is made that if such notice may be received by your office in time, it may be given by registered mail. While there is no positive direction to the carrier to hold such sheep until inspected and released by your office, the law certainly contemplates notice to your office of opportunity to inspect and to dip when necessary, and I think it to be the duty of the carrier in every instance to give your office ample and sufficient opportunity to carry out the mandates of law, and in no instance to release or deliver over to the consignee any sheep until such opportunity has been afforded your office. Your attention is directed to Sec. 1877 of the Revised Codes, (See Section 31, Chapter 157, Session Laws 1917) which provides in part that:

"Any person \* \* \* who violates or disregards any of the provisions of this act, or who shall in any manner hinder, obstruct or resist the state veterinary surgeon or inspector in the discharge of his or their duties \* \* \* shall be deemed guilty," etc.

It would appear to me from the provision of this section that if a carrier who brings sheep within this state fails to hold them for a sufficient length of time to enable your office to perform its full duty under the law, that such carrier would be chargeable as for a misdemeanor for disregarding the provisions of the act, and might also be chargeable with hindering, obstructing or resisting your office.

Accompanying your request for an opinion upon these matters, I find a communication from the Northern Express

Company, with whom you had some correspondence relative to a recent shipment of sheep into the state, and in regard to which you charged this company with a violation of the law. In the communication referred to this company seems desirous of co-operating with your office and offers to publish instruction to its agents regarding the shipment of sheep into this state, in conformity with the law and the orders of your department. Since in many instances agents or carriers are manifestly ignorant of the provisions of the law upon the subject, I believe it would be well for your office to accept the offer of this company to publish and distribute to its agents such instruction as you may deem pertinent to the subject under consideration, to the end that further misunderstanding may be avoided.

Yours very truly,  
D. M. KELLY,  
Attorney General.

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**Livestock Sanitary Board, Authority of. Tubercular Animals, Authority to Destroy. Diseased Animals, Power of Live Stock Sanitary Board. "Bang System."**

It is immaterial how or under what circumstances tuberculous animals are shipped into the state, for under existing laws, the authority of the Live Stock Sanitary Board is uniform as to native and imported animals.

Two classes of animals may be slaughtered: 1. Animals determined to be affected with diseases requiring slaughter, and 2. Animals so exposed as to require their slaughter as a sanitary safeguard.

The authority to slaughter is absolute, but in the interests of economy the "Bang System" may be employed in an effort to preserve the offspring of diseased animals.

June 9, 1914.

Dr. W. J. Butler, State Veterinary Surgeon,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the first instant, as follows:

"In instances where tuberculous animals are shipped into the State of Montana either under a fraudulent certificate or a certificate that may have been made in good faith but which is found to cover diseased animals, or where cattle

are shipped in without any certificate whatsoever, has the Live Stock Sanitary Board of Montana the authority to immediately destroy without permitting the owner the privilege of quarantining his animals, and employing the system known as the "Bang System," or has the owner of such stock the rights and privileges granted all owners of cattle that are found diseased within the State, that were not diseased or knowingly diseased prior to their entrance into the state?

"If the Live Stock Sanitary Board, from economic reasons, desires to grant the owners of diseased cattle shipped into the state the privilege of employing the "Bang System" has the Live Stock Sanitary Board the right to demand from that owner an agreement to the effect that the owner will stand and pay all expenses necessary for the proper application of the "Bang System" and the testing of all offspring and animals that have been bred or have come in contact with the diseased animals? Has the Board also the authority to demand, in this written agreement, that the owner will notify the State Veterinary Surgeon of all animals bred to, or brought into contact with, the diseased animals."

In my opinion, it is immaterial as to how or under what circumstances tuberculous animals are shipped into the State of Montana, for under the existing law, the authority of the Live Stock Sanitary Board to deal with diseased animals, found within this state, is uniform as to native animals, and animals imported.

Under the provisions of Section 1889, Revised Codes of Montana, (See Section 10, Chapter 157, Session Laws 1917) two classes of animals may be slaughtered; first, animals determined by either the State Veterinary Surgeon or deputy, to be affected with a disease requiring slaughter; and second, animals so exposed to disease as to require their slaughter as a sanitary safeguard. No compensation is provided for animals slaughtered falling within the first class, but compensation is provided for the slaughter of animals falling within the second class. If, therefore, you should find the tuberculous animals mentioned in your letter to be so diseased as to require slaughter, your authority to do so is absolute, and the owner of the animals is not entitled to compensation. It is provided, however, (Sec. 1891) (See Section 25, Chapter 157, Session Laws 1917) that in tuberculosis of cattle, the sani-

tary Board may direct the state veterinary surgeon to detain such cattle in quarantine subject to eradication by the so called "Bang System" or other improved system approved by the Board. Should you deem it expedient to refrain from slaughtering these animals for economic reasons, and adopt or employ the "Bang System," the Live Stock Sanitary Board should demand from the owner an agreement to the effect that all necessary expenses will be borne by such owner. It should also be required that the owner notify the State Veterinary Surgeon of all animals bred to or brought into contact with the diseased animals.

Yours very truly,  
D. M. KELLY,  
Attorney General.

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**Sanitary Board, Livestock. Livestock Sanitary Board, Powers of. Powers, of Livestock Sanitary Board. Veterinary Surgeon, Duties of.**

It is within the power and is the duty of the Livestock Sanitary Board, and the Veterinary Surgeon to employ the most efficient and practical means to eradicate and prevent dangerous, contagious, etc., diseases among the livestock of this state.

In determining the condition of an animal, it is not necessary to trace the history of the animal as to how or when or by what means it came within the State of Montana, but only to determine its then condition.

Attention is directed to Chap. 146, Laws 1911, (See Section 24, Chapter 157, Session Laws 1917) relating to dairy stock.

July 3, 1914.

Hon. W. J. Butler,  
State Veterinary Surgeon,  
Helena, Montana.

Dear Sir:

On June 9th, 1914, in reply to an inquiry submitted, a communication was addressed to you, relative to the power and authority and method of your department in dealing with tubercular animals shipped into the State of Montana. Your attention is here called to some additional statutes and provisions relating to this same subject. In dealing with cattle



found afflicted with any dangerous diseases, there is no duty resting upon your department or that of the live stock sanitary board, to trace the history of the animal, or to institute inquiry as to how it came to the State of Montana, but you may deal with it as an animal found by you within the State.

Your attention is also called to the provisions of Section 1888 of the Revised Codes, (See Section 6, Chapter 157, Session Laws 1917) which confers authority, under Subdivision 3 thereof, to supervise the sanitary condition of livestock of that state:

“A. To determine and employ the most efficient and practical means to prevent dangerous, contagious, infectious, enzootic, epizootic, or any dangerous non-contagious disease among live stock:

“B. To prevent dangerous, contagious, infectious, enzootic, epizootic, or any dangerous, non-contagious disease among live stock:

“C. To suppress dangerous, contagious, infectious, enzootic, epizootic, or any dangerous, non-contagious disease among live stock:

“D. To control dangerous, contagious, infectious, enzootic, epizootic, or any dangerous, non-contagious disease among live stock.

“E. To eradicate dangerous, contagious, infectious, enzootic, epizootic, or any dangerous, non-contagious disease among live stock.”

The provisions of this Section, 1888, and of 1889, (See Section 6 and 9, Chapter 157, Session Laws 1917) confer upon the Board and upon your department full authority to do any thing that is necessary to protect the live stock of this State, in so far as the suppression, prevention, eradication or control of disease is concerned.

Your attention is also directed to the provisions of Section 4 of Chapter 146 of the laws of 1911, (See Section 25, Chapter 157, Session Laws 1917) which by its terms modifies the provisions of Section 1889, which is also proper for the board to consider in exercising the powers conferred upon it by the provisions of Section 1888, but this Section 4 of Chapter 146, Laws of 1911, has reference only to dairy stock.

Yours very truly,

D. M. KELLY,

Attorney General.

**Board of Veterinary Examiners, Duty of. Veterinary Medicine, Practicing Without License.**

Persons making verbal representations and application for employment as veterinary surgeons, or veterinary dentists, are practicing veterinary medicine within the meaning of Chap. 83, Session Laws, 1913, and are subject to prosecution thereunder.

Dr. A. D. Knowles,  
Secretary, Board of Veterinary Examiners,  
Butte, Montana.

Dear Sir:

I am in receipt of your communication under date the 5th instant, requesting my opinion as to whether persons who are practicing veterinary medicine and dentistry without a license, though they are not advertising their business in print, but instead are making verbal professions and applications for such work, can be prosecuted under the provisions of Chapter 82 of the Session Laws of the 13th Legislative Assembly?

I am of the opinion that such persons would be liable to prosecution under Section 9 of the Act. The proper procedure would be for yourself or someone who knows the facts to make a complaint before a justice of the peace, and call attention of the county attorney to the violation of the Act.

Yours very truly,

D. M. KELLY,  
Attorney General.

**Animals, Disease, Slaughter of. Slaughter, of Diseased Animals. Veterinary Surgeon, Authority of. Interstate Shipments, How Treated.**

Where animals are found in this state afflicted with foot and mouth disease, the Veterinary Surgeon may order same destroyed.

Interstate shipments that are stopped in transit may be dealt with by the state authorities unless federal authorities act.

November 21, 1914.

Hon. W. J. Butler,  
State Veterinary Surgeon,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter of present date, stating that a train load of cattle was shipped into the State of Montana by the Northern Pacific Railroad Company, and that said cattle were either infected with the foot and mouth disease, or had been exposed to such disease prior to reaching Montana. This stock, it appears, too, was consigned from a point without the state of Montana to points within the state of Montana, west of the City of Miles City; that information was given you by the Veterinarian of North Dakota that this stock was diseased, and that you immediately ordered it to be stopped at the first station where food and water could be obtained. The railroad company in obedience to this order stopped and returned the train of cars to Glendive, Montana, and there the stock was unloaded; that subsequently, under the joint authority of the Federal inspector, and of the state authorities, three car loads of this stock found actually infected with the disease, were slaughtered and the balance of the train load was held in quarantine. Since that time it has been ascertained that the whole of this stock is infected, by reason of exposure prior to reaching the State of Montana.

Strictly speaking, goods or stock shipped from a point without the State of Montana, consigned to a point within said state, retains its character as interstate commerce until the point of destination is reached.

Southern Ry. Co. vs. Greensboro, I. C. Co. 134 Fed. 82.

In this case, however, it appears that after you had ordered the shipment stopped, the Federal authorities recognized your authority so to do by assuming jurisdiction over the

stock in the Glendive yards, and joined with you in the slaughter thereof. It does not appear clear just whether the Federal authorities did or will assume jurisdiction over the remainder of the stock. If such authorities will assume jurisdiction over the stock now in the yards, that jurisdiction should be accorded to it, but if they do not assume jurisdiction, or waive jurisdiction, then the very law of necessity will require the state authorities to act, and in such case you have full power and authority under the laws of the State of Montana, to cause this stock to be slaughtered. The letters heretofore addressed to you on July 3rd, 1914, and June 9th, 1914, deal specifically with your authority in the slaughter of animals found to be affected with dangerous, contagious diseases. The principles there announced apply with equal force to the present case.

To summarize and specify, the conclusion reached is that unless the Federal authorities immediately assume jurisdiction over this stock, that you as State Veterinary Surgeon have full power and authority to assume that jurisdiction, and to slaughter the stock.

The general discussion of the relative authority of the State and United States in such matters, may be found in Reid vs. Colorado, 187 U. S. 137.

Yours very truly,  
D. M. KELLY,  
Attorney General.

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**Quarantine Proclamations, Enforcing Provisions of. Sheriff, Expenses of in Enforcing Quarantine Proclamation. Expenses of Sheriff in Enforcing Quarantine Regulation, Payment of.**

The expenses incurred by the sheriff in enforcing quarantine regulation under orders of the State Veterinary Surgeon are a proper charge against the county.

December 23, 1914.

Hon. Edward F. Fisher,  
County Attorney,  
Wibaux, Montana.

Dear Sir:

I have your communication under date December 19, submitting to me a letter addressed by you to the State Veterinarian concerning the liability of Wibaux County for the ex-

penses of the Sheriff in enforcing the quarantine proclamation made by the Governor to prevent the importation of cattle affected with the foot and mouth disease. You state that the bills for service and expense incident to holding cattle and guarding the state line to prevent such cattle being driven across were filed with the Clerk of Wibaux County and disallowed by the Commissioners. The provisions of law which affect this question are those concerning the State Veterinarian, the Live Stock Sanitary Board, and Sheriffs.

Section 1888, Revised Codes of Montana of 1907, (See Section 6, Chapter 157, Session Laws 1917) defining the powers and duties of the State Live Stock Sanitary Board gives it power "to determine and employ the most practical and efficient means to prevent, suppress, control and eradicate" certain specified diseases. Sec. 8847, Revised Codes of Montana of 1907, makes it a misdemeanor to import cattle from districts against which quarantine is declared. Every theory of law makes it the duty of a sheriff to enforce the laws of the State, and Sec. 3024, Revised Codes of 1907 makes it his duty to execute process and orders issued by competent authority, the language being as follows:

"A sheriff or other ministerial officer is justified in the execution of and must execute all process and orders regular on their face and issued by competent authority whatever may be the defect in the proceedings upon which they were issued."

The State, as such, has no separate and distinct police organization of its own. The laws are enforced by the local authorities, and for this purpose are county organized. It has often been held that counties are merely political subdivisions of the state founded for the more prompt and economical administration of the laws. One of the chief functions of counties is this very one. It is eminently proper, therefore, that the sheriffs of the various counties execute the orders of the state officers in the matter of quarantine, as well as in other infractions of the law.

The argument that border counties by such an interpretation are made watch-dogs for the whole state can hardly be used as an argument against the duty of the county to enforce the state law because, as indicated above, this is one of the primary purposes of their being.

Another answer to this argument, if one were needed, is that given in an early English case to the effect that:

"That which inures to the benefit of the whole realm benefits him upon whom the burden falls along with all others."

For the reasons above indicated I am of the opinion that the expenses incurred by the Sheriff in enforcing the quarantine under orders of the State Veterinarian are a proper charge against the county.

Yours very truly,

D. M. KELLY,

Attorney General.

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**State Board of Health, Powers of. Dairies, Licensing of.  
State Dairy Commissioner, Powers and Duties of.**

Under existing laws it is competent for the State Board of Health to co-operate with the State Dairy Commissioner in carrying out the provisions of existing laws relating to both.

It is unlawful to carry on a dairy business in this State without license from the State Board of Health.

March 23, 1915.

Hon. W. F. Cogswell,  
Department of Public Health,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 13th instant, wherein you set forth:

"Section 10, Chapter 130, of the Session Laws 1911, makes it unlawful for any person to conduct a dairy without having a license issued by the State Board of Health. Section 11 provides for the inspection of dairies by the local, county health officers and gives the State Board of Health authority to make rules and regulations relative to the sanitary condition of dairies."

"I should like to know in what respect the laws of 1913, creating the office of Dairy Commissioner, affects the powers and duties of the State Board of Health, relative to the issuing of licenses to dairies and the inspection of dairies.

During the past two years by an arrangement with the Dairy Commissioner, the State Board of Health, through its

local and county health officers, continued the inspection of dairies retailing milk. Our authority on several occasions has been questioned by the dairymen.

I should like to know whether it is lawful to conduct a dairy without a license from the State Board of Health, and also whether Chapter 130, Session Laws 1911, is still operative in respect to dairy inspection by local and county health officers."

Chapter 130, Session Laws of the Twelfth Legislative Assembly, confers certain powers upon, and defines the duties of the State Board of Health with relation to foods and drugs, the inspection thereof, to ascertain their purity, and with reference to dairy products, to direct the manner in which they shall be handled, so as to insure their purity and sanitary condition, and to this end confers power upon the Board of Health to license the same and to make it unlawful to engage in the dairy business without a license from the State Board of Health. It directs the Board to make rules and regulations for the thorough and uniform enforcement of the provisions of the Act, which shall conform to the rules and regulations of the National Food and Drug Commission, made under the provisions of the National Food and Drug Act of June 30, 1906, so as to enable the Board to analyze and determine the purity of dairy products, and to insure the sanitary management of dairies.

Chapter 77 of the Laws of the Thirteenth Legislative Assembly is an Act creating the office of State Dairy Commissioner, and defines his powers and duties, among which are to advise and instruct dairymen; to condemn unclean and unwholesome milk, cream, etc.; to compile statistics, and give information and advise on the dairy industry with a view of securing settlers from the east, to encourage the investment of capital in the dairy industry; to co-operate with the Agricultural College at Bozeman, with a view of holding farmer's institutes for the instruction of persons engaged in the dairy industry; to inspect dairy products, with a view of ascertaining whether the same be adulterated and to see that milk, cream and other dairy products are kept in such places as to insure their sanitary condition when delivered to the consumer.

It is my opinion that this latter act is not inconsistent, or in conflict with the Act of 1911, which does not undertake



to repeal it; nor can it be said that any of its provisions are so inconsistent with the act of 1911 so as to warrant the conclusion that there is a repeal by implication. Both acts are in my judgment in full force and effect. This being true, it is competent for the State Board of Health to co-operate with the Dairy Commissioner in carrying out the provisions of both Acts.

It is of course unlawful for any person to conduct a dairy without a license from the State Board of Health.

Yours very truly,

D. M. KELLY,

Attorney General.

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**State Board of Veterinary Examiners, Duties of. Veterinary, License of. License of Veterinary, Duty of Board to Issue.**

The issuing of temporary license to veterinary surgeons who have not passed a successful examination is a matter within the discretion of the Board of Veterinary Examiners.

April 3, 1915.

Hon. A. D. Knowles,

Sec'y, State Board of Veterinary Examiners,  
Butte, Montana.

Dear Sir:

I am in receipt of your communication under date of 31st ult. submitting the following questions:

1st: "Is the Board compelled to issue a temporary license upon request, legal application having been filed with the Secretary, before examination has been taken by the applicant, whether he be a non-resident of this state or not?"

2nd. "Is the Board compelled to issue a temporary license to a candidate who fails to pass an examination, or to a candidate who has failed upon the second attempt to pass an examination, such candidate having held a temporary license from the board after his first examination?"

All of these questions may be answered in the negative. The language of the Act is, Section 4, Chap. 82, Laws 1913.

"The Board may issue temporary license to such candidate, allowing him to practice pending the suc-

cessful passage of an examination."

The word "may" as used here relates to something which the Board is not required to do as a public duty, or in the fulfillment of the functions of its office; the issuance of the temporary license is a matter within the discretion of the Board, not something that can be demanded as of right.

Yours very truly,

D. M. KELLY,

Attorney General.

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**Animals, Value of When Condemned. Diseased Animals, Value How Determined. Livestock, Amount to be Paid for Diseased When Slaughtered.**

Remuneration for livestock killed under order of the Veterinary Surgeon or the Livestock Sanitary Board, should be paid for upon assessment value shown upon the assessment roll next preceding the discovery of the disease.

January 26, 1916.

Hon. W. J. Butler,  
State Veterinary Surgeon,  
Helena, Montana.

Dear Sir:

I am in receipt of your communication under date of the 24th instant, submitting for my opinion the proper valuation of animals found to be diseased and ordered to be slaughtered, but which for some reason are not immediately killed.

You ask:

"Is the assessed value to be taken as that found on the assessor's list at the time the animals were found diseased, or reacted to the test for determining the presence or absence of disease, or is the value to be taken from the assessor's list as found thereon on the date of the actual destruction of the condemned animal?"

You state that there are cases where animals have reacted to tests but are not immediately killed, either from unavoidable circumstances, or in the case of tubercular animals, where they are held in quarantine by the owners, under the provisions of law allowing this.

The provisions of Chapter 140, Laws of 1915, (See Section 10, Chapter 157, Session Laws 1917) allowing compensa-

tion to owners of livestock killed under order of yourself or the State Livestock Sanitary Board, does not state what assessment is to be considered as determining the value of such animals, further than to say that:

“The valuation of such animals so ordered to be killed, shall be the actual full assessed valuation thereof, as shown on the last assessment roll of the county in which such stock was assessed; but such assessment shall not in any case exceed the actual value of such stock at the time of such assessment.”

The only indication as to which assessment is to be taken, is the first portion of Section 3, which states when the state veterinary or his deputy or the state livestock board has deemed it advisable to slaughter such animals.

I am of the opinion that the assessment by which the value of such animals is to be fixed is the assessment next preceding the determination by the state veterinary, or the board, that the animal must be slaughtered, and for these reasons, the law provides in Section 2502, Revised Codes, 1907, that “all taxable property must be assessed at its full cash value.” Section 2512 of the Code requires property owners to make affidavit as to their property. The law presumes that property owners, as well as the officers, do their duty. No presumption arises after the condemnation of an animal that it was not fully assessed at the assessment previous to discovery of the disease, and certainly no one could successfully contend that the discovery of a slaughterable disease in an animal raised its value. Hence, an owner who wilfully raised the value of his animal subsequent to condemnation, could scarcely do so in good faith, the presumption being that at each assessment time he lists it at its full cash value.

I am of the opinion, therefore, that compensation should be paid upon the assessment value shown for the animal upon the assessment roll next preceding the discovery of the disease, and not at the time of slaughter.

Yours very truly,

J. B. POINDEXTER,

Attorney General.

**Quarantine. Sheep, Imported. Sheep Quarantine of. Veterinary Surgeon, Right to Quarantine. Statute, Construction of. Construction of Statute.**

It is a violation of law for a person to drive or place unquarantined sheep within the quarantine limits established under the provisions of Section 1872, R. C. (See Section 22, Chapter 157, Session Laws 1917.)

September 12th, 1916.

Honorable W. J. Butler,  
State Veterinarian,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 27th ultimo, submitting the question:

“Is it a violation of law for a person to drive or place unquarantined sheep within the quarantine limits established under and by virtue of the provisions of Section 1872, R. C. as amended by Chapter 123, Laws of 1913?” (See Section 22, Chapter 157, Session Laws 1917.)

The purpose of quarantine is to protect stock by eradicating and preventing the spread of disease. If the quarantine established under the authority of said Section 1872 may be violated at will, then the law is of not any avail. The provisions of Section 1877, (See Sections 8 and 31, Chapter 157, Session Laws 1917) make it an offense for anyone to “wilfully or negligently permit any sheep to be placed within the limits of any quarantined premises.” We believe this provision of the law is broad enough to enable the enforcement of the quarantine established under Section 1872. The statement contained in Section 1877 “or any locality prohibited or quarantined under proclamation of the governor” does not necessarily limit the meaning of the preceding clause, but is an addition thereto, and the provisions of the Section making it a misdemeanor to break the quarantine are not limited to quarantines established by proclamation of the governor, but extend to quarantines established under the provisions of said Section 1872.

Yours very truly,

J. B. POINDEXTER,  
Attorney General.

April 28th, 1917.

Dr. W. J. Butler,  
State Veterinary Surgeon,  
Helena, Montana.

I am in receipt of your letter of the 20th, inst. requesting my opinion as to whether, in salvaging carcasses of property destroyed by a representative of the Live Stock Sanitary Board, where such money is payable one-half to the State and one-half to the County, it will be permissible for the total amount of money to be paid direct to the State Treasurer and placed to the credit of the Live Stock Sanitary Board, and then the amount of money due the different counties paid out of this fund upon an order of the Live Stock Sanitary Board, approved by the State Board of Examiners, or whether one-half of such money must be paid directly to the State Treasurer and one-half thereof directly to the county treasurer of the county wherein the animal or property was destroyed.

Chapter 127, Acts of the Fourteenth Session, pages 282-283, Session Laws of 1915, created the Live Stock Sanitary Board Fund.

The State Live Stock Sanitary Board Fund is created by Section 4 of Chapter 127, Acts of the 14th Session, page 283, Session Laws 1915, Section 3 of this chapter provides for the levying of a tax for this fund, while Sections 3 and 4 prescribe the purposes for which such fund is to be used, "to be used by said Board for the purpose of indemnity for animals slaughtered and for the payment of expenses in investigating and suppressing diseases, including quarantine and all expenses connected therewith."

Section 8 of Chapter 157, Acts of the 15th Session, page 386, Sess. Laws 1917, provides for the sale, under certain conditions, of the carcasses ordered destroyed, and that the net proceeds of such sales shall be payable one-half to the Livestock Indemnity Fund and one-half to the county treasurer of the county in which the animal or animals were owned. The provision requiring one-half of the net proceeds to be paid into the Stock Indemnity Fund is evidently a mistake, it being intended to require such amount to be paid into the Live Stock Sanitary Board fund from which fund payment is made for animals slaughtered.

Section 3 and 4 of Chapter 127, Acts of the 14th Session prescribing specifically the purposes for which the Live Stock Sanitary Board Fund shall be used, and Section 8 of Chapter 157, Acts of the 15th Session, requiring one-half of the net proceeds of sales to be paid to the county treasurer, I am of the opinion that the total net proceeds of such sales cannot be paid to the State Treasurer to be credited to the Live Stock Sanitary Board Fund and one-half thereof afterwards paid out of said fund to the county treasurer of the county wherein the animal or animals were owned, but one-half of the net proceeds of such sales must be paid directly to the State Treasurer for the Live Stock Sanitary Board Fund, and the other one-half must be paid directly to the county treasurer.

Respectfully,

S. C. FORD,  
Attorney General.

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Helena, Montana, June 20, 1917.

Dr. W. J. Butler,  
State Veterinary Surgeon,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 12th inst. submitting the following

“I have been requested to permit a bull that is suffering from tuberculosis to be moved from one county to another county in the State of Montana.

“This bull is now held in quarantine as permitted by the Montana Statutes and the Regulations of the Live Stock Sanitary Board.

“I desire an opinion as to whether or not the Live Stock Sanitary Board has authority to permit a tuberculous animal to be moved, under official quarantine restrictions, from one county to another county in the State of Montana, for other than immediate slaughter.”

Section 25 of Chapter 157, Acts of the 15th Session, (page 396), is as follows:

“Whenever tuberculosis is discovered in any bovine animal the owner of the tuberculous animal shall retain the animal or animals under restrictions

or rules as the Sanitary Board may direct, or the animals may be destroyed and compensated for as in animals of the first class.

"Tuberculous animals may be shipped within the boundaries of this State under the direction of the State Veterinary Surgeon, or his deputy, to any abbatoir where proper post mortem inspection may be made by the State Veterinary Surgeon, his deputy or Federal Inspector. The inspection must conform with the meat inspection regulations of the United States Bureau of Animal Industry. The carcass if passed on official state or federal inspection may be used for food."

This section after providing that such animals must either be held by the owner in quarantine or be slaughtered, provides for the shipment of such animals, within the State to an abbatoir, that is shipped within the state for immediate slaughter, and I am of the opinion that the legislature by providing that such animals may be shipped within the state for immediate slaughter intended to prohibit the shipping of such animals, within the state, for any other purpose.

You are therefore advised that the State Sanitary Board has no authority to permit a tubercular animal to be moved from one county to another county in the state for any purpose other than immediate slaughter.

Respectfully,

S. C. FORD,  
Attorney General.



## **GENERAL INSTRUCTIONS GOVERNING THE INSPECTION OF LIVESTOCK; ERADICATION OF INFECTIOUS CONTAGIOUS DISEASES AND DISINFECTION.**

District Deputies must investigate immediately all reports of an infectious-contagious disease.

Resident Deputies must report immediately all cases of an infectious-contagious nature to the State Veterinary Surgeon at Helena. If the disease is of a serious nature and the Resident Deputy cannot secure the immediate services of a District Deputy, the Resident Deputy must make an immediate investigation without waiting for orders from the State Veterinary Surgeon. Where the disease reported, or known to exist, is not of a serious character, the Resident Deputy should report immediately to the State Veterinary Surgeon and await instructions.

Reports of outbreaks of a serious infectious-contagious disease must be immediately wired or telephoned to the State Veterinary Surgeon at Helena. All telephonic or telegraphic reports must be immediately confirmed by a letter giving complete details.

All animals suffering from a serious infectious-contagious disease and all animals exposed to such disease and all premises where such animals have been contained must be immediately quarantined, a written quarantine notice to be issued in all such cases.

Inspectors must always bear in mind that they are working for the common welfare and the stock interests of Montana. They must bear in mind that the owner of diseased stock is suffering a financial loss and may not be conversant with the disease with which his animals are suffering and the necessity of its eradication for the common welfare. Realizing this, the inspector must not become officious but must use every reasonable effort to acquaint the owner of the stock with the true nature of the disease and by his action and the thoroughness of his work gain the confidence of the stockman.

Absolute knowledge of the disease at hand, with the efficient and thoro handling of its eradication and with punctuality and tact in the administration of the Sanitary Board regulations are essential in all sanitary work.

## INSPECTIONS.

Animals suffering from an infectious-contagious disease or where the slightest suspicion exists as to the possibility of their being so infected must be given a careful and systematic examination in order to determine whether or not such a disease exists. The fact that a serious infectious-contagious disease has not heretofore existed must not be taken into consideration in making the examination. The examination and inspection must be so thoro that the diagnosis is made on absolute facts and not on supposition as to the non-existence of certain diseases in that district.

**Scope of Inspection.** The examination must not be confined to the suspicious animals but must include all susceptible animals of different species on the infected premises and if the disease is of a serious nature, such as foot-and-mouth disease, anthrax, glanders, scabies, etc., the inspection must be extended to susceptible animals on adjacent premises or which have been exposed to the disease. The number of animals affected and exposed and a description of the lesions must be noted.

**Tracing Infection and Shipments.** In outbreaks of an infectious-contagious disease the infection must be traced to its origin whenever possible and the diseased or exposed animals must be quarantined and tested, wherever a test is applicable.

In cases of foot-and-mouth disease a report must be secured of all livestock shipments into and out of the affected community. All stockyards, stock-cars and premises which have been exposed to foot-and-mouth disease or other highly infectious-contagious disease must be immediately quarantined and placards placed on the premises prohibiting the movement of livestock or people from the affected premises until such premises have been officially disinfected. Also, in outbreaks of foot-and-mouth disease, cream, milk, butter-milk and whey from creameries to which milk from diseased or exposed animals have been shipped must be properly sterilized. Railroad companies and creameries must be given official notice relative to the outbreak of the disease.

**Employment of Guards.** In all outbreaks of foot-and-mouth disease, or other such serious infectious-contagious disease, guards should be employed to see that quarantine

regulations are strictly observed. Inspectors must inform the guards relative to the nature of the disease and its mode of spreading, also complete instructions must be given the guards relative to the proper disinfection of their clothing.

**Disposal of Animals Where Slaughter is Required.** Immediately upon confirmation of a diagnosis of a disease requiring slaughter, the animals must be destroyed and burned or buried in accordance with the Live Stock Sanitary Board regulations (See Sections 9 and 13, Chapter 157, Session Laws of 1917.)

**Appraisal of Animals and Property Condemned and Destroyed.** See Sections 10, 11 and 12, Chapter 157, Session Laws of 1917.

**Trenches for Burying Animals.** Where animals are to be disposed of by slaughter and burial, the digging of a trench must be started immediately. In the case of animals of the first class the cost of burial must be borne by the owner of the stock. In the case of animals of the second class, the cost of burial will be paid for the same as property destroyed (See Section 10, Chapter 157, Session Laws of 1917.)

Contracts for digging trenches and burial of animals should be made in writing. Where the expenses are paid part by the United States, a Federal inspector must also sign the contract.

Trenches for burying animals should be seven feet deep, seven feet wide and long enough to allow all carcasses to rest upon one side of the bottom. The length may be calculated by allowing two feet for adult cattle or horses of ordinary size. Usually there is room in a trench of this size for the additional number of hogs and sheep found on the average farm, allowing two hogs or sheep for each cow. If the number of hogs and sheep exceed this proportion, additional space should be provided in specifying the length of the trench. A temporary pen should be constructed at the end or the side of the trench to herd animals previous to their destruction. Trenches should be dug at a convenient point near the affected animals in order that they may not be driven over uninfected territory.

After slaughter, the animals should have the hides or skins slashed and the carcasses should be eviscerated and covered with unslaked lime. One barrel of lime for every

six or eight cattle or horses or twelve sheep or swine is usually sufficient. If the animals are large, additional lime should be used. Five or more feet of earth must cover all carcasses.

**Disinfection of Cars. Cleaning and Disinfecting the Premises.** Remove all litter and manure from all parts of the car, including ledges and framework outside; clean the exterior and interior of the cars; and saturate the entire interior surface, including the inner surfaces of the car doors, with a permitted disinfectant.

**Cleaning of Boats.** Remove all litter from decks, stalls or other parts of the Boat occupied by the diseased animals and from portable chutes or other appliances or fixtures used in loading or unloading and saturate the entire surface of the decks, stalls or other parts of the boat occupied or traversed by the animals or with which they have come in contact or which have contained litter or manure, with a permitted disinfectant.

**Disinfection of Yards, Pens, Stables, Chutes or Premises.** Empty all troughs, racks or other feeding or watering facilities; remove all litter, manure and accumulations for the floors, posts or other parts; remove all loose woodwork; thoroly scald water troughs and feed racks with boiling water. Floors, walls and ceilings must be cleaned and the entire surface of the fencing, troughs, chutes, floors, walls and other parts must be saturated with a permitted disinfectant. All accumulations and manure or woodwork removed must be burned or mixed with lime and buried.

**Disinfection of Harness, Stable Implements and Clothing.** All harness, stable implements and clothing, where such procedure will not injure their value, should be placed in boiling water for not less than thirty minutes. Where boiling will injure the material, they should be immersed for from fifteen minutes to one hour in one of the permitted disinfectants—the time depending whether or not the infection is spore bearing.

Where the flooring is of dirt, the upper layer and all moist dirt must be removed and a layer of unslaked lime substituted.

In disinfecting stables or premises, it is advisable to add not more than one and one-half pounds of lime to the gallon of disinfectant. In this way, positive knowledge is obtained

that the entire surface has come in contact with the disinfectant.

Where large surfaces are to be disinfected, a force pump with a spray nozzle is absolutely essential. Where only a stall or a limited surface requires disinfection, a whitewash brush may be used for the walls and a sprinkling can may be used to disinfect the floors.

In disinfecting buildings, as soon as the disinfecting solution is practically dry, all doors and windows should be opened for the admission of sunlight and animals should not be placed in the buildings until at least twenty-four hours have elapsed.

### PERMITTED DISINFECTANTS.

(a) **Compound Solution of Cresol, U. S. P.** at a dilution of at least four ounces to one gallon of water.

This disinfectant is extremely efficient in spraying the exterior and interior of buildings, pens and stockyards.

Advantages and disadvantages of Compound Solution of Cresol, U. S. P.:

(1) A three or four per cent. solution of cresol is as efficient as a five per cent. solution of carbolic acid.

(2) It is not interfered with by albuminous substances.

(3) It does not destroy metals or fabrics in a four per cent. solution.

(4) It is more effective than carbolic acid for destroying spores of bacteria such as anthrax or blackleg.

It is a little more expensive than ordinary cresol owing to a stronger solution being required but this, in a measure, is compensated for by its ready solubility.

(b) **Liquified Phenol (Liquified Carbolic Acid)** at a dilution of at least six fluid ounces to a gallon of water.

This disinfectant is also efficient in spraying the exterior and interior of buildings, pens or stockyards.

Advantages and disadvantages of carbolic acid:

(1) It is reasonably effective for destroying non-spore bacteria.

(2) Its action is only slightly interfered with by albuminous substances.

(3) It does not destroy metals or fabrics in a five per cent. solution.

(4) It is readily available at all pharmacies.

Disadvantages:

(1) In a five per cent. solution it cannot be depended on to destroy the spores of bacteria such as anthrax and blackleg.

(2) It is expensive.

(c) **Chloride of Lime.** (U. S. P. strength 30% available chlorine) at a dilution of one pound to two gallons of water.

Chloride of Lime is very satisfactory for outside disinfection work where there is plenty of air, as, for instance, manure piles, open sheds, stock-pens, ground, etc., but is, on account of its irritating fumes, not indicated for spraying closed buildings.

Chloride of Lime is useful in disinfecting cars and pens or for mixing with infections excreta. It is a powerful deodorant and is advisable for use in foul smelling cess pools and similiar places. Its chief disadvantages are uncertainty of strength and destructiveness to metals and fabrics.

(d) **Bichloride of Mercury.** In a one to one thousand solution.

Bichloride of Mercury is extremely efficient in disinfecting hides and implements but should not be used in troughs or other places where animals may become poisoned from its use.

Bichloride of mercury is a violent poison and has the property of combining with albuminoids to form inert compounds. This limits its usefulness as a general disinfectant. It should never be used to disinfect excreta or substances containing blood or serous fluids. Bichloride solutions are not to be kept in lead or tin containers or poured thru lead pipes as the mercury combines with these metals and injures them besides affecting the germicidal efficiency of the solution itself. The chief advantage in the use of bichloride of mercury lies in its great germicidal power when employed under proper conditions. Its disadvantages are its poisonous nature and its tendency to attack certain metals and the interference by albuminoids and other organic substances.

(e) **Formaline.** (40% formaldehyd) one quart to five gallons of water.

The solution of formaldehyd (formalin) is suitable for disinfecting hay, straw, harness, blankets, feed racks, lap robes, finished surfaces, walls, ceilings, etc.

Formaldehyd gas is suitable for disinfecting dwellings, cellars, milk houses, granaries and other tight buildings. Clothing and other articles that cannot be dipped or sprayed may be hung in such buildings and fumigated.

A five per cent. solution of formaldehyd is regarded as superior to carbolic acid of the same strength as a general disinfectant. It is applied directly to the substance requiring disinfection and in the case of refuse, excreta and similiar substances should be mixed with them.

**Production of Gas From Formalin.** There are several methods liberating formaldehyd from formalin solutions. Where portable autoclaves are used, ten ounces of formalin should be used for each one thousand cubic feet of air space. The room in which the gas is liberated must be kept closed from two to twelve hours, depending on the contents of the room. Formaldehyd gas may be liberated from formalin by pouring formalin upon crystallized or powdered potassium permanganate. The amount of gas evolved depends in a great measure on the relative weights of permanganate and formalin employed. Where six parts of formalin to five parts of permanganate is used, fifty per cent of the formaldehyd employed is liberated in the form of gas; therefore, for disinfecting one thousand cubic feet with this method, use twenty ounces of formalin and sixteen and two-thirds ounces of permanganate. The needle shaped crystals of permanganate should be employed. Place the requird amount of permanganate in a wide-bottom vessel, such as an ordinary dish pan and pour the formalin on quickly. Then close the compartment for from six to twelve hours depending on the character of the articles to be disinfected. Ordinarily there is very little danger from fire when the permanganate method is used but, as sparks may be given off from the mixture of formalin with permanganate it is advisable to remove the easily combustible materials from the vicinity of the generator and also to place the generator in a shallow container of water.

Advantages and disadvantages of formaldehyd. Advantages:



- (1) It is one of the most powerful germicides known.
- (2) Its action is not interfered with by aluminous substances.
- (3) It is not poisonous and may, therefore, be used for disinfecting hay and grain without destroying these for food purposes.
- (4) It is not injurious to delicate fabrics, paints or metals. (Formalin solutions will attack iron but not other metals.)

**Disadvantages:**

- (1) The gas has a strong tendency to condense in cold weather and is not reliable when the air temperature is below 50 degrees F.
- (2) It is necessary to seal tightly all premises which are to be disinfected with the gas in order that penetration may be secured and that the required concentration may be maintained for a sufficient length of time.

(f) **A Permitted "Saponified Cresol Solution"** at a dilution of at least four fluid ounces to one gallon of water.

"Saponified cresol solutions" may be substituted for the Compound Cresol Solution, U. S. P., when such "saponified cresol solution" shall have been licensed and permitted by the United States Bureau of Animal Industry. "Saponified cresol solutions" may not be used unless their container has a label on which is printed the official notice that they are recognized and permitted by the United States Bureau of Animal Industry.

The following "saponified cresol solutions" have been recognized:

Cooper's Fluid Dip (Wm. Cooper and Nephew, Chicago, Illinois).

Cresol solution prepared by the Barrett Manufacturing Company, Philadelphia, Pa.

### **INFECTED HAY AND STRAW.**

In outbreaks of foot-and-mouth disease or other extremely infectious-contagious diseases, hay mows, hay stacks and straw stacks which have been infected by animals feeding from the sides or trampling upon the exposed sides and top should be thoroly raked off and cut down from one and one-half to two feet and the balance of the stack sprayed with a

four per cent. formaldehyd solution. The hay or straw removed from the infected stacks should be immediately burnt.

### PERSONAL DISINFECTION.

In all instances, veterinarians and others engaged in the examination of animals suffering from an infectious-contagious disease must disinfect their shoes and outer clothing if they become contaminated before leaving the premises.

When employed on foot-and-mouth disease or other extremely infectious-contagious diseases, each inspector should have the following equipment:

One suit case or other receptacle for carrying State property, disinfectants, etc.

One rubber cape for use in personal disinfection.

One rubber coat.

One pair rubber boots.

One pair rubber gloves.

One rubber hat.

One enameled washpan.

One disinfecting pan.

One sponge.

One bottle of bichloride of mercury tablets.

One bottle of formalin.

One bottle of potassium permanganate.

Upon reaching the premises where livestock is to be inspected for foot-and-mouth disease the inspector or employee must put on his rubber outer garments immediately on alighting from his conveyance and, upon the completion of the inspection and before leaving the premises sponge the rubber hat, boots and clothes both on the outside and on those portions of the inside which might have been contaminated with a solution of bichloride of mercury of not less than one to one-thousand strength and if the premises have been found to be infected with disease the inspector or employee shall fumigate himself by fastening the cape about the neck and place under him upon the ground the disinfecting pan into which shall be placed about two drams of potassium permanganate, over which shall be poured about one ounce of formalin; the cape and pan should not be removed until the formaldehyd gas so formed shall have had sufficient time to penetrate all clothing. If used in cold weather, it may be found necessary to warm the pan.

### **DISINFECTION OF DOGS, POULTRY, ETC.**

Immediately upon the quarantine of infected premises for foot-and-mouth disease or other extreme infectious-contagious diseases, all dogs, poultry, etc., must be confined until disinfection of the premises is completed. Before being released all dogs, poultry, etc., must be dipped under the supervision of an inspector in a slightly warm solution containing approximately two per cent. of compound solution of cresol.

### **DISINFECTION OF HIDES.**

The sale or skinning of hides from animals known to have died from a disease caused by a spore-bearing micro-organism, such as anthrax or blackleg, is prohibited.

Hides from animals suspected to have died from a disease caused by a spore-bearing micro-organism or which have been exposed to such a disease must be immersed in a one to one thousand bichloride of mercury solution for not less than forty-eight hours.

### **STATE PROPERTY.**

Inspectors must keep a list of State property in their possession and must keep it thoroly clean and disinfected and in good repair at all times.

### **NOTICE TO OWNERS OBJECTING TO INSPECTION.**

Where an infectious-contagious disease is known or suspected to exist and where the law or a general order or a special order of the Livestock Sanitary Board requires suspected animals to be inspected or tested, if the owner refuses to permit the animals to be inspected or tested, the deputy or inspector will immediately issue a written order giving notice to the owner, agent or custodian of the livestock designating a certain time and place for the animals to be gathered and held subject to inspection or test. In this written notice the disease suspected will also be designated and the veterinarian or inspector will be at the designated place punctually at the time stated in the written notice. If the owner fails to comply with the order then the State Veterinary Surgeon at Helena and the County Attorney of the county in which the animals are running must be immediately notified. (See also Section 13, Chapter 157, Session Laws of 1917.)

### **POST MORTEM INSPECTIONS.**

A post mortem inspection must be held on all animals destroyed by order of the Livestock Sanitary Board, excepting in cases of general outbreaks of foot-and-mouth disease or anthrax or where inclement weather will not permit a proper autopsy.

### **NECROBACILLOSIS.**

In the inspection of livestock for necrobacillosis, when more than two tissues are affected or where the ulcerations are extensive and accompanied by considerable pus formation, the disease is to be considered as an infectious-contagious disease and the affected animals quarantined.

### **SALVAGE OF ANIMALS AND PROPERTY.**

Wherever possible carcasses or hides of animals destroyed for tuberculosis are to be salvaged. In the case of animals of the first class, salvage money must be made payable one-half to the Livestock Sanitary Board Fund and one-half to the county treasurer of the county in which the animals were assessed or owned.

In the case of salvage money obtained for animals or property of the second class, the entire amount of money must be made payable to the Livestock Sanitary Board Fund.

Salvage money must not be made payable to the inspector.

### **FORMS TO BE USED FOR INDEMNITY.**

S. V. Form 25 (Slaughter Certificate) must be used for the compensation of animals of the first class.

For animals of the second class or for property destroyed a State Voucher must be used. Each animal or individual piece of property condemned and destroyed must be itemized on the State Voucher and sworn to before a notary Public by the owner or agent of the property destroyed. S. V. Form 25 (Slaughter Certificate) must not be used for animals of the second class.

### **COUNTY AUTHORITIES TO BE NOTIFIED.**

Wherever possible, the county authorities are to be notified when animals of the first class are to be destroyed but the giving of such notice must not delay the work or cause additional expense to the Livestock Sanitary Board.

### INTERSTATE INSPECTIONS.

Deputy State Veterinary Surgeons will pay close attention to the regulations of the different states relative to interstate shipments of livestock. Inspections and tests must be made absolutely in accordance with the regulations of the state to which the stock is destined. Positively no deviation is to be made from the general regulations unless permission is first obtained from the sanitary authorities of the state to which the shipment is destined. When an exception is granted, such fact must be noted on the certificate issued.

Deputy State Veterinary Surgeons are authorized to make inspections or tests on all livestock shipments destined to any other state or territory in the United States or District of Columbia. They are not authorized to make inspections or tests on livestock destined to Canada, or other international shipments or for shipments destined to Hawaiian Islands, Philippine Islands or Alaska.

### ORDERING SUPPLIES.

In ordering supplies, always designate the quantity of each form or article desired.

In ordering mallein and tuberculin, always designate the quantity of mallein or tuberculin desired.

### ADDRESS OF DEPUTIES.

Deputies will report immediately any change in their post office or telegraphic address. When it is necessary to be away from permanent address, deputies will so report to the office at Helena and also give forwarding address to the post office authorities and to the local telephone and telegraph offices.

### REPORTING INSPECTIONS.

An S. V. Form 17 report must be forwarded to the State Veterinary Surgeon at Helena whenever an inspection of any kind is made. This report must be complete in every detail. When a tuberculin or mallein chart or clinical health certificate is issued, the S. V. Form 17 covering that inspection should accompany the chart forwarded to Helena. One S. V. Form 17 is sufficient for a mallein or tuberculin chart or clinical health certificate; that is, do not send an S. V. Form 17 at the time of installation and then at the time of observa-

tion. The chart number or clinical health certificate number should be noted on the S. V. Form 17.

Where a tuberculin or mallein chart (S. V. Form 7) is issued, it is not also advisable to issue a clinical health certificate (S. V. Form 10) covering the same shipment. Only one form should be used, and not both forms, covering the same shipment.

In dipping animals, one S. V. Form 17 is required for each dipping and should be forwarded immediately after the dipping of the animals so that the office is conversant with the progress of the work. The S. V. Form 17 covering the second dipping should note that it is the second dipping and also, if there is any discrepancy in the number of animals dipped the first time and the second time, such discrepancy should be noted.

Information contained in all S. V. forms 17 must be complete in every detail. Additional notes may be made on the back of the form. Every report made should be so completed that if you personally are unable to finish the work that this office will be in possession of every detail so that the inspector detailed to finish the work may be fully informed and be just as conversant with the work as the inspector who made the first inspection or dipping.

Where salvage money is obtained for carcasses or parts of carcasses, the amount obtained must be noted on the post mortem report card (S. V. Form 3). The amount of money received for property other than carcasses must be noted on a S. V. Form 17.

### **INSPECTORS WORKING TOGETHER.**

When two or more inspectors work together in the inspection, testing or dipping of animals, but one set of reports should be made, and each of these should be signed by each inspector.

### **OFFICIAL FORMS AND THEIR USE.**

S. V. Form 2. Official Receipts. To be issued for all fees payable to the Live Stock Sanitary Board Fund.

S. V. Form 3. Memorandum of Autopsy. To be filled out and forwarded to Helena whenever an autopsy is made.

S. V. Form 5. Application for Slaughter. To be filled out by the owner of livestock whenever they desire animals held in quarantine to be slaughtered.

S. V. Form 6. Cards for importation record. For office use.

S. V. Form 7. Mallein and Tuberculin test charts.

S. V. Form 8. Order of Quarantine. To be issued when a quarantine is ordered.

S. V. Form 9. Dipping Certificate. Official certificate to be given owner of livestock upon the completion of official dipping.

S. V. Form 10. Clinical Health Certificate.

S. V. Form 15. Label for Blood Sample. To be pasted on container of blood or Sera forwarded to laboratory.

S. V. Form 16. Appointment Certificate.

S. V. Form 17. Report of Investigation. To be filled out and forwarded to Helena whenever an investigation or inspection of any kind is made.

S. V. Form 18. Instructions to Investigate. Notice from office to deputies to make investigation.

S. V. Form 19. Blank for notifying owners of livestock relative to result of test. To be mailed immediately to owners of livestock tested when it is impossible to notify them verbally.

S. V. Form 20. Contract. To be signed by owners of gelded animals which have reacted to the blood test for dourine relative to their not coming in contact with breeding animals of the same species.

S. V. Form 22. Requesting stockmen receiving blackleg vaccine to report. For office use.

S. V. Form 25. Slaughter Certificate. To be issued for indemnity of all animals of the first class destroyed by an order of the Livestock Sanitary Board.

S. V. Form 26. Notice of Destruction of Animals. To be forwarded the office at Helena whenever an animal is destroyed.

S. V. Form 27. Weekly Reports. To be mailed by District Deputies every Saturday night.

### WEEKLY REPORTS.

Weekly reports of District Deputy State Veterinary Surgeons are to be mailed to the State Veterinary Surgeon at Helena every Saturday night. They are to be complete in every detail, giving inspections in detail, name of owner, number of animals inspected, disease, disposition and treatment,



chart, quarantine and clinical health certificate numbers, time consumed in making the inspections, character of conveyance used and the number of miles traveled. Total railroad and livery mileage to be separately totaled on the back of the report.

Deputies will also designate, whenever possible, the probable work they will have on hand for the coming week.

### NEATNESS IN MAKING OUT REPORTS.

It is essential that the deputies exercise neatness and care in making out charts and reports. Carbon copies must be perfectly legible. Fractional degrees in temperatures are to be recorded in tenths.

### EXPENSE ACCOUNTS.

In rendering expense accounts, it is to be remembered that the Board of Examiners meet the third Monday of each month and that it is necessary for this office to audit and check up expense accounts before they are submitted to the Board. Therefore, all expense accounts should be in this office the Wednesday previous to the third Monday of each month. We are held strictly accountable for our appropriation and our books are checked over by the State Bank Examiner. Strict economy must be exercised in all expense accounts.

Expense accounts must be rendered monthly.

All expense accounts must be itemized; that is, the name of the place where expense was incurred, together with the kind of expense, must be noted. All items of over \$1.50 must be accompanied by a receipt, excepting when personal livery is used. In such cases, the starting point and destination, mileage and elapsed time must be noted. Fifteen cents (15c) per mile is allowed for personal auto. To facilitate the auditing of expense accounts, each receipt must be numbered and the number of the receipt noted in the first right hand column of the voucher. In the case of Resident Deputies, the time consumed in making the inspection also the name of the person owning the stock inspected or tested must be given.

The cheapest method of traveling must be used; that is, if it is cheaper to take a railroad train than it is to use an

auto or livery, the railroad must be used, facilities for handling the work and elapsed time to be given due consideration.

### PER DIEM WORK.

For per diem work eight dollars (\$8.00) will be allowed when six or more hours are necessary for the inspection or test.

Where less than six hours is necessary for the inspection or test and the inspection is outside the resident city of the Resident Deputy State Veterinary Surgeon, six dollars (\$6.00) will be allowed.

When less than six hours is necessary to make the inspection or test and the inspection is made within the resident city of the Resident Deputy State Veterinary Surgeon, four dollars (\$4.00) will be allowed.

### OFFICIAL DIPS.

#### CATTLE.

**"Lime and Sulphur Dip,"** made in the proportion of 12 pounds of unslaked lump lime or 16 pounds commercial hydrated lime (not air slacked) and 24 pounds of sulphur to 100 gallons of water. The dipping solution to test out 2 per cent sulphid sulphur.

**"Tobacco Dips,"** which contain five one hundredths of one per cent nicotin.

**"Beaumont Oil,"** or its equivalent.

#### SHEEP.

**"Lime and Sulphur Dip,"** made in the proportion of 8 pounds of lump lime or 11 pounds of commercial hydrate lime (nor air clacked) and twenty-four pounds of sulphur to 100 gallons of water. The dipping solution to test 1.5 per cent sulphid sulphur.

**"Tobacco Dips,"** which contain five one-hundredths of one per cent. nicotin.

#### HORSES.

**"Lime and Sulphur Dip,"** in the same proportion as used for cattle.

**"Beaumont Oil,"** or its equivalent.

**Note:** Commercial concentrated Lime and Sulphur dips may be used in official dipping when the container bears a notation that the product has been approved by the U. S. Bureau

of Animal Industry and when it is mixed in such proportion that the dipping solution will test the proper percentage of sulphid sulphur.

Where the dipping vat is considerable distance from the railroad or where wood is scarce or where facilities for boiling the lime and sulphur are not the best, the commercial concentrated solution will prove more economical.

### **CATTLE AND SHEEP SCABIES.**

1. **Preparation of Dips.** The lime and sulphur dip for cattle scabies is made in the proportion of 12 pounds of unslaked lump lime or 16 pounds of commercial hydrated lime (not air slacked) and 24 pounds of flowers of sulphur to 100 gallons of water. The dipping solution should test out 2 per cent sulphid sulphur.

**Direction for Preparation of 100 Gallons of Dip.** Weigh out the lime and sulphur. Place the lime in a shallow, water-tight box similar to a mortar box, or some suitable vessel, and add enough water to form a lime paste or lime putty. Sift into this lime paste the flowers of sulphur and stir well; then place the lime and sulphur paste in a kettle, boiler, or tank containing 30 gallons of boiling water. Boil the mixture for two hours at least, stirring frequently; add water occasionally to maintain the original quantity. Allow the mixture to settle in the tank or draw the entire contents of the kettle or boiling tank into a large tub, barrel, or settling tank placed near the dipping vat and provided with a bung-hole about 4 inches from the bottom, and then allow ample time to settle until the liquid is clear. When fully settled, draw off the clear liquid into the dipping vat, taking care not to allow any of the sediment to accompany it, as the sediment will injure the wool. The clear liquid thus obtained only requires the addition of sufficient clear warm water to make a solution containing 2 per cent sulphid sulphur. By bringing the total up to 100 gallons the dip will usually, under average conditions, test 2 per cent sulphid sulphur. However, care should be taken not to make too great a dilution prior to testing.

2. The lime-and-sulphur dip for sheep scabies is prepared in the same manner as for cattle scabies except that 8 pounds of lump lime or 11 pounds of commercial hydrated lime (not air slacked) should be used, and the solution should be diluted to test 1.5 per cent. sulphid sulphur.

3. The nicotin dip for scabies of cattle or sheep is made with sufficient nicotin solution to give a mixture containing not less than five one-hundredths of 1 per cent (0.05) nicotin and 2 per cent. flowers of sulphur is added to prevent reinfection. The addition of sulphur will not be required unless exposure to reinfection is indicated. Sufficient nicotin would therefore be furnished for 96 gallons (about 800 pounds) of dip by 1 pound of a 40 per cent solution of nicotin. The formula for this dip would be: Nicotin, four-tenths of a pound; flowers of sulphur, 16 pounds; water, 96 gallons.

To calculate how much nicotin solution should be used for 96 gallons of water, divide the quantity of nicotin required in the dip by the proportion of nicotin in the solution. For example, suppose the nicotin solution contains 25 per cent. nicotin, we have  $0.40 \div 0.25 = 1.6$ . Therefore, in this case it would require 1.6 pounds of nicotin solution for the 96 gallons of dip. Do not use any preparation the strength of which is not given on the label of the container.

In preparing these dips the nicotin solution and sulphur should be mixed together with water before adding them to the water in the dipping vat and the contents of the vat should be stirred while the mixture is being added. The dip should on no account be heated above 105 degrees F. after the nicotin solution is added, as heat is liable to evaporate the nicotin and weaken the dip.

4. **Directions for Testing Dip.** To test the lime-and-sulphur dip, mix bath well, let settle for a few minutes, then fill a clean dry graduate with bath, setting TOP edge of surface on the zero mark, and pour (draining out drops) into a clean, wide-mouthed bottle.

Rinse graduate with clean water (or rinse with a little of the test fluid), shake out adhering drops, and fill to zero mark with test fluid.

While gently swirling bottle containing the bath pour in test fluid from the graduate until the yellow color of bath becomes faint. Then let the contents of the bottle come to rest and gently drop on the surface one drop of indicator solution from the dropping bottle. Note if a violet color appears where the indicator solution mixed with the bath. If color appears add a little more test fluid from the graduate, mix, and test again with a drop of indicator solution. Continue

this until a drop of indicator solution fails to produce any color, avoiding the addition of excess of test fluid.

The number of cubic centimeters of test fluid added to just reach the point where color with indicator solution fails to appear represents tenths of 1 per cent of "Sulphide sulphur" in the bath.

(NOTE) The indicator solution should not be more than one week old. Prepare fresh solution by dissolving one "tablet for indicator solution" in 15 c.c. clean water in the bottle. Keep test fluid in glass-stoppered bottles only, and in cool dark place.

5. To test the nicotin dip, measure 100 c.c. of well mixed bath into the "titration bottle" (8 ounce round bottle), rinse graduate, and then measure 100 c.c. of water into the same bottle. Add the contents of one paper of "precipitate reagent" to the liquid in the titration bottle, stopper, and shake vigorously for two minutes, then let settle quietly for two minutes or more.

Open out a large plaited filter in the glass funnel and support the latter in the mouth of the 100 c.c. graduate. Carefully pour the contents of the titration bottle onto the filter, leaving behind most of the froth and precipitate. Collect 100 c.c. of the filtrate.

Since the titration bottle clean with water and pour into it the 100 c.c. of filtrate. Next add 10 c.c. (from the 10 c.c. cylinder) of the hydrochloric acid, stopper and shake well for a few seconds. Take out the stopper and touch it to a strip of "test paper". If the moistened paper does not show a deep blue color, add 2 c.c. more of hydrochloric acid, shake, and test again, repeating with 2 c.c. of hydrochloric acid until a blue color is produced.

Fill the "burette" with the red "test fluid", run back a little through the stopcock into the bottle of test fluid (to remove air trapper in the stopcock), then adjust the level of test-fluid in the burette at the 0.000 mark. Now into the liquid in the titration bottle run out test fluid from the burette down to a mark indicating one or two hundredths per cent less than the hundredths of 1 per cent of nicotin expected to be in the bath. Stopper the bottle and shake vigorously for two minutes.

Open a small filter paper into a cone, grasp it by the triple-thick side between the thumb and forefinger, and fill it about one-third full with liquid from the titration bottle. Let the first five or six drops fall back into the titration bottle, then catch both cups of the black plate (which must be strictly clean and dry) level full of the filtered liquid, which must be perfectly clear. Pour any liquid left in the paper back into the bottle. Now into the liquid in one of the cups let fall from the dropper one drop of "indicator solution". Carefully observe the liquid in both cups, holding the plate in various lights. If no difference can be detected in the two cups after about half a minute, too much test fluid has been used and it is necessary to repeat the whole operation from the beginning, using less test fluid. If a white cloud appears in the cup to which the indicator solution was added, a further quantity of test fluid equivalent to 0.005 or 0.010 per cent nicotin (depending on the heaviness of the cloud) is to be added to the titration bottle, and the shaking and testing repeated. Proceed thus until, after the last addition of test fluid, absolutely no cloud can be detected in the cup upon treating with indicator solution. The reading on the burette gives directly the per cent of nicotin in the bath.

(NOTE) If measuring cylinders, etc., are wet, shake out adhering drops of water before using them.

All the measurements are to be made with the TOP LINE of the curved surface (meniscus) of the liquid on the mark.

The indicator solution is simply a little of the test fluid kept apart for convenience.

**Caution**—Great care to avoid contamination is necessary in making the test on the black plate. The fingers must be rinsed clean from bath, test fluid, etc., before touching the filter paper. Do not allow the latter to touch the mouth of the bottle or anything else except the clean finger tips. Be sure the black plate is absolutely clean. Look very carefully for the white cloud which toward the end is only faint and may not be noticed at first. The dip must not test less than five one-hundredths nor more than seven one-hundredths of one per cent nicotin.

### FREQUENT TESTS OF DIPS REQUIRED

6. Employees supervising the dipping of sheep and cattle should test the dip when the vat is charged or before dipping is commenced and thereafter at sufficiently frequent intervals to insure maintaining the dip at the uniform standard strength. The contents of the vat should be well stirred before the test is made. It is sometimes necessary to allow a few animals to pass through the vat before the dip is well mixed. At vats where the operations are continuous throughout the day and large numbers of animals are being dipped, the dip should be tested at least three times during the day.

### DIRECTIONS FOR DIPPING CATTLE

7. **Immersion.** When either the lime-and-sulphur or nicotin dip is used, the cattle should be completely submerged once, and the dip in the vat should be maintained at a depth sufficient to swim the tallest animal to be dipped.

8. **Affected Cattle.** Affected animals should receive special attention in the application of the treatment to the upper portions of the body where the lesions usually appear. This should be done by applying the dip to the neck, withers, and back from a bucket and thoroughly scrubbing these parts while the animals are in the chute prior to entering the vat.

9. **Exposed Cattle.** Cattle can only become exposed by coming in contact with infected animals or being closely confined in infected cars or premises.

10. **Time in Vat. Changing Fluid, etc.** Cattle visibly affected should be held in the dip from two to three minutes and their heads submerged at least once for but an instant at a time, and assistance must be rendered immediately if they appear to be strangling. The best time to duck the head is while the animals are in the last third of the swim. Cattle not visibly affected should remain in the dip a minimum period of one minute. The dip must be maintained at a temperature between 100° and 105° F. while the animals are in it. It should be changed as soon as it becomes filthy, regardless of the number of cattle dipped in it, and in no case should the dip in the vat be used again after it is fifteen days old. In cleaning the vat the entire contents must be removed, including all sediment and droppings or other foreign matter.



11. **Handling Cattle in Vat.** Men with dipping forks should be stationed along the vat to keep the animals completely submerged except the heads as they swim through. This may be done by placing the fork over the withers and pushing the animal under the dip. The cattle should be prevented from swimming through too quickly by means of a holding gate, or in the event there is no such gate, the dipping forks or ropes with bowline noose may be used to retard their movement.

12. **Number of Dippings Required.** Cattle visibly affected with scabies, or from scabby herds, must be given two dippings with an interval of from 10 to 14 days between dippings. One dipping should be sufficient for exposed cattle in herds not visibly affected.

### DIRECTIONS FOR DIPPING SHEEP

13. **Depth of Dip in Vat.** The average depth of dip used in a dipping vat for sheep is from 40 to 48 inches and the amount of dip necessary to obtain that depth should be ascertained before preparing the dip.

14. **Time in Vat—Changing Fluid, Etc.** Sheep classed as infected must be kept in the dip between two and three minutes, and those classed as exposed or free should remain in the dip at least two minutes and the heads of all sheep dipped must be submerged at least once, though but an instant at a time, and assistance rendered immediately if they appear to be strangling. The best time to duck the head is while they are in the last fourth of the vat. The dip must be maintained at a temperature between 100° and 105° F. while the sheep are in it, and must be changed as soon as it becomes filthy, regardless of the number of sheep dipped, and in no case shall it be used again when more than 10 days old. In emptying the vat the entire contents must be removed, including all sediment and dropping or other foreign matter.

15. **Use of Dipping Forks.** Men with dipping forks should be stationed along the vat to prevent the sheep from swimming through too soon, and to push each sheep under the dip, except head, as they pass them. If they are swimming through the vat too quickly, the men can hold them back with dipping forks. They should be held in bunches of 3 to 5, each man holding a bunch the necessary

length of time, then passing them to the next man, pushing them well under the dip, except the head, as they swim past. Place the dipping fork over the front part of the shoulders, and gently but firmly push the sheep under the dip except the head. If properly done, the sheep will raise its head, so the neck can be well soaked without danger of strangling by pushing the head under.

**16. Sorting and Hand Dressing.** All sheep that have hard, dry scab on them should be sorted from the flock and the diseased areas hand-dressed with some of the dip by rubbing the scab with a smooth stick or brush as the dip is applied so as to moisten and soften the scab, but not severely enough to draw blood, as the blood will protect the mites from the effect of the dip. Allow these sheep to stand 30 to 60 minutes after hand dressing before putting them in the dipping vat.

**17. Number of Dippings Required.** All diseased and exposed sheep must be branded with a red letter "S" on the right side, and given a second dipping at an interval of ten to fourteen days from the first dipping, and quarantined on a range away from all other sheep for a period of not less than ninety days and until officially inspected and released.

Each band of sheep dipped must be branded at the first dipping with a distinct number or mark to preserve their identity, and to prevent mixing with other bands they must be corralled each night.

**18. Drowning Sheep.** When sheep start to drown or become strangled in the dipping vat, it is often necessary to pull them out immediately to save them. Such sheep, providing they have not remained in the vat the required length of time, should be returned to the pens and again dipped when they have sufficiently recovered.

**19. Difference Between Dipping Sheep and Lambs.** As a rule the dip will penetrate the fleece of a lamb quicker than that of a full grown sheep in full fleece. For this reason they should not be put into the dipping vat together, the grown sheep requiring the most time on account of the gum in the fleece.

#### **GENERAL DIRECTIONS FOR DIPPING.**

**20. Watering and Feeding Animals.** Three to six hours before the animals are dipped they should be watered

and fed so they will not be hungry or thirsty at time of dipping. The floors of the dipping pens should be sloped or so arranged that the dip will drain away and not collect in pools from which the animals may drink.

Soft water is better than hard for dipping, but if it cannot be obtained the hard water may be "softened" by the addition of sal soda or lye, but no more should be added than is required to "cut" the water. From 1 to 4 pounds of sal soda to each 100 gallons of water is usually sufficient.

**21. Computing Amount of Dip Required.** In one gallon there are 231 cubic inches; multiply in inches the average length by the average breadth, the product by the depth, divided by 231, and the result will be the number of gallons. To obtain the average length of the vat add the length at the bottom to the length at the top of the dip and divide by 2; obtain the average width in the same manner. The depth should be taken at the center of the vat, and should be from the bottom to water (or dip) line. Be sure to measure only the space filled by the dip and not above that line. The cooking tank should also be measured. It is convenient to have rods marked showing the number of gallons at the various depths.

Freshly shorn sheep and short-wooled lambs will carry out and retain in the fleece from 1 to 2 quarts of dip; full-fleeced fine-wool sheep take up as much as 2 gallons, and at late fall dippings the average medium-wool sheep will retain about one gallon. The average 1000 pound short-haired steer will carry out and retain about 2 quarts of dip and the same class of cattle with long hair will retain about 1 gallon. The total estimated amount of dip which the animals carry out and retain plus the amount required to charge the vat should equal the total amount required if there is none lost by leakage.

**22. Mixing the Dip.** Mix the dip thoroughly in the dipping vat by stirring length wise in the vat, also from top to bottom. A large hoe or stirring plunger is a good instrument to use in stirring.

**23. Temperature of Dip.** After the dip is thoroughly mixed, take the temperature at different parts of the vat; see that it is uniform, and if too hot or too cold add hot or cold water with proper proportions of dip until the right temperature for the dip is between 100° and 105° F., and it

should be maintained at that temperature as nearly as possible and never over 105° F. To ascertain the temperature, take some of the dip out of the vat in a bucket, hold the thermometer in it, and read the temperature while the thermometer is in the fluid.

**24. Injuries in Chutes and Vat.** Do not have any projecting boards, nails, etc., in the pens or chutes or cross pieces or projecting timbers in the vat where the animals may strike them and be wounded or bruised.

**25. Daylight Inspection Required.** Inspection of animals should not be made in the morning before sunrise or in the evening after sunset, and in no case should inspection be made by artificial light.

**26. Points to Remember.** Remember that it is just as important to do thorough work with the last animals dipped as with the first ones.

The two essential things are a reliable dip properly prepared of proper strength and the thorough soaking of the entire fleece or all of the hair with the dip.

Select good weather for dipping, particularly avoiding wet weather.

Do not dip too late in the afternoon, when the nights are chilly.

Do not hold animals off feed and water longer than can be avoided.

Do not have the incline of vat too steep that animals can not climb it easily.

Have suitable dripping pens and drying corrals and do not load animals in car until they have become dry.

Handle animals as carefully as possible, and the causes of shrinkage in dipping will be avoided to a great extent.

Animals that are in good condition will stand the dipping very well, even when the weather is quite cold.

**27. Subsequent Classification of Dipped Animals.** Cattle and horses dipped twice in accordance with regulations will be regarded as free, unless living mites are found on them, or unless they are exposed after three days subsequent to the last dipping by coming in contact with scabby animals, or with infected premises, enclosures, or otherwise.

All affected and exposed sheep will be branded with a red letter "S" and held in quarantine for a period of not

less than ninety days. At the end of ninety days they will be officially inspected and if found clean they may be released from quarantine.

### DIPPING WITH OIL.

Beaumont oil or its equivalent must be used.

The vat is filled to within six inches of the dip line with water and then three to six inches of dip is floated on top.

One dipping only is required.

Oil must not be used in dipping sheep.

It is not necessary to heat the dip, but to prevent it from clumping the temperature of the water and oil should be seventy-five to eighty degrees F.

Cattle and horses when dipped with oil must be dipped in the cool of the day. Under no circumstances should they be dipped during extreme cold or extreme hot weather. If the weather is hot wait until the sun goes down and dip during the twilight.

Animals must not be dipped in oil when overheated, and after dipping they must not be driven but must be allowed to rest and graze, preferably in a cool shady pasture if available.

Calves and colts must not be dipped in oil as the oil destroys their natural odor to such an extent that they will not be owned by their dams. Calves or colts affected with scab must be hand treated either with lime and sulphur or tobacco.

Oil is more dangerous to use than either lime and sulphur or tobacco on account of its liability to blister the animals. It is only advisable to use oil on horse scab and in range dipping where it is impossible to hold the animals for the second dipping.

Great care must be exercised in dipping with oil; otherwise losses will occur.

## SUMMARY OF DIRECTIONS FOR APPLYING THE SUBCUTANEOUS TUBERCULIN TEST.

1. As far as practicable cattle should be stabled under usual conditions and among usual surroundings.

2. Feeding and watering should be conducted in the customary manner with the exception that feed and water should be given only immediately after the measuring of a temperature.

3. The tuberculin test should be preceded by a careful inspection of the physical condition of each animal.

4. Each animal's temperature should be measured at least three times at not less than two hour intervals prior to injection. Adult animals showing a maximum temperature over 103 degrees F. should not be injected with tuberculin. Animals showing evidence of any acute disease or condition, or showing extensive pus formation should not be injected with tuberculin.

5. The site of injection for tuberculin should be cleansed with an antiseptic solution, the hypodermic syringe and needles should be sterilized by boiling in water before starting their use upon a herd. Needles should be washed in antiseptic solution between each injection. Opened bottles of tuberculin should be protected from contamination.

6. The dose of tuberculin prepared by the Bureau of Animal Industry is as follows for cattle which are apparently healthy and which have not received tuberculin within a period of at least sixty days:

- 1 CC for cattle weighing 400 pounds or less.
- 1½ CC for cattle weighing between 400 and 600 pounds.
- 2 CC for cattle weighing between 600 and 800 pounds.
- 3 CC for cattle weighing between 800 and 1100 pounds.
- 4 CC for cattle weighing between 1100 and 1400 pounds.
- 5 CC for cattle weighing between 1400 and 1700 pounds.
- 6 CC for cattle weighing between 1700 and 2000 pounds.

7. The measurements of temperature following the injection of tuberculin should commence at the eighth hour and be continued at intervals of two or three hours until the twentieth hour after injection, at which time, if there is no tendency for the temperature to rise, the test may cease. Temperatures upon cattle which are showing a rising tendency following the injection of tuberculin, should be measured at approximately hourly intervals.

8. A rise to two degrees F. or more above the maximum temperature observed prior to the injection of tuberculin or a temperature above 103.8 F. should be regarded as an indication of tuberculosis, provided the temperature reaction shows the characteristic rainbow curve.

9. Animals which after injection show a rise of temperature of two degrees F. with a maximum between 103 and 103.8 degrees F., as well as those which show a rise of less than two degrees F. with a maximum temperature of 103.8 degrees F. are regarded as suspicious. The presence of a general systemic reaction should be considered in determining the classification between suspicious and reacted.

10. Cattle which are regarded as suspicious should be submitted to a retest after the expiration of at least sixty days. This class of cattle and those which show possible physical evidences of tuberculosis, emaciation, old age, or which have been repeatedly tested should receive double or treble the dose of tuberculin indicated by their weight.

### INSTRUCTIONS GOVERNING THE INTRADERMAL TUBERCULIN TEST.

The records of the Livestock Sanitary Board relative to our experience with the intradermal test during the past four years lead us to the conclusion that the intradermal test, when properly applied, is more reliable than the subcutaneous test for work in Montana.

We have found it advisable to have veterinarians unacquainted with the test trained by veterinarians who have had considerable experience with the intradermal method. Scientific technique is essential in the administration of tuberculin and care, thoroughness and experience are absolutely essential in obtaining and correctly reading a reaction.

Skill and minute attention to every detail is imperative.

It is required that a careful examination of each animal be the primary step. Abnormalities of the skin, peculiarities of the breed and evidence of the previous administration of tuberculin or symptoms of tuberculosis must be noted for future reference. Each animal must be marked in such a way that it can readily be identified on reinspection. This is absolutely necessary to prevent substitution by unscrupulous dealers. Identification of animals may



be accomplished by the use of metal tags or paint markings or, in individual animals or small bunches, by minute description.

The control or restraint of the animal during the administration of the tuberculin is essential and can best be accomplished when the animals are in tie stalls or stanchions. When animals are properly secured, under ordinary circumstances, only one assistant is necessary.

In handling range cattle a squeeze chute, if available, is an excellent method of restraint. Where a squeeze chute is not available, an ordinary chute may be used and in such a case it is advisable to crowd the animals, thus enabling the operator to work without danger and to prevent unnecessary movements of the animals during the administration of tuberculin. In most instances aseptic preparation of the field of operation is either impracticable or impossible and as the test is an anaphylactic one it is not essential that the field of operation be made sterile. The field of operation must be dry—if contaminated with manure it should be wiped dry with a dry clean cloth or absorbent cotton. Under no circumstances should colored or irritating antiseptics or liquids be used. In cleaning the part with a dry cloth or cotton, care must be exercised not to irritate the skin and cause hyperemia.

In Montana, official tests must be made with Bureau of Animal Industry tuberculin. The ordinary tuberculin as furnished by the Bureau of Animal Industry concentrated to one-third its volume is recommended. We have found the ordinary tuberculin to be efficient but with the concentrated tuberculin apparently a more clearly defined reaction is obtained.

The most practicable instrument for the administration of tuberculin is a small fenestrated glass-barrel one and one-half or two c.c. syringe, such as the Shelton syringe, fitted with a G-23 Schimmel dental needle covered with a  $\frac{7}{8}$  inch Dental Butt adapter. The point of the needle should not exceed one-eighth of an inch in length from the end of the adapter; a needle this length when introduced at an angle prevents the mistake of penetrating into the subcutaneous tissues.

In applying the test, the operator should stand to the right of the animal with his knee pressed close to the flank.

Some operators prefer to stand directly behind the animal. The skin, preferably the loose skin between the anus and caudal attachment, should be grasped with the thumb and forefinger of the left hand and the needle thrust between the layers of the skin with the right hand, care being exercised not to penetrate into the subcutaneous tissues. The dosage is approximately 0.1 c.c. to 0.2 c.c. A small circumscribed area about the size of a shot or pea will show on the surface of the skin as a result of a successful installation of tuberculin.

Do not draw blood as this is apt to cause a superficial swelling or needle infection and make the reaction doubtful. In injecting into the caudal region care must be exercised not to insert the needle too near to the base of the tail as the tissues at the extreme base of the tail may prevent the clear definition of the result of the reaction. The same result may follow if the injection is made too far back along the fold.

The palpebral region may be used as the site of injection. If made in this region the injection should be made in the lower eyelid about one-half inch from the inner canthus of the eye and three-eighths of an inch from the edge of the lower eyelid. The reaction in this region is probably more easy to read but, on account of the difficulty of restraining unbroken animals, in most instances we have found the caudal fold to be more practicable.

In the installation of the tuberculin, the attention of the animal should be taken away from the prick of the needle. To do this, the assistant should grasp the animal's horns or ears with the right hand and insert his thumb and middle finger of the left hand into the nostril and hold the head of the animal to the left. When the operator is ready to insert the needle, the assistant should pinch the nose of the animals with his fingers to take the animal's attention away from the operator.

An intradermal reaction consists usually of a dense, painful, edematous swelling of the skin at the site of injection. The size of the swelling varies from the size of a grape to as large as a hen's egg. Not in all cases is the swelling circumscribed in area. It may in some instances, be simply a thickening of the fold with no definite line of

demarcation, but in all positive reactions the swelling will, on palpation show heat, pain and edema. In most instances, a small hemorrhagic spot will present itself at the point of installation but this is, by no means, a constant symptom; also, brown incrustations of the skin in the region as well as a painful sloughing of the epidermis may be observed in a positive reaction but they are not a constant symptom and a positive diagnosis of a reaction may be made without their presence.

A positive reaction usually makes its appearance in eighteen hours, reaching its maximum between the sixteenth and seventy-second hour and may remain for several days. We have found that where one post-inspection only is made that it should be made between the sixtieth and seventy-second hour after injection.

Occasionally, soft fluctuary swellings make their appearance about the seventh or eighth hour after injection due probably to the action of glycerine and salts but these swellings disappear after the twelfth hour. They are not to be confounded with a positive reaction. Large, soft, painful swellings in the region may be induced by improper technique. In such cases if the swelling continues and does not take on the characteristic hot, painful, edematous swelling, the only recourse is to class the animal as suspicious and hold it for retest, but suspicious reactions where a proper quality of tuberculin is used must, in nearly every instance, be charged against the technique of the operator.

The results of the test should be recorded as follows:

N=Negative. No swelling.

S=Suspicious. Edematous non-painful swelling.

P+=Positive. Slightly indurated painful swelling.

P++=Positive. Large indurated painful swelling.

## INSTRUCTIONS FOR APPLYING THE OPHTHALMIC MALLEIN TEST.

Before the application of the ophthalmic mallein test the animals should be carefully examined to ascertain whether the eye shows conjunctivitis or other changes which are associated with suppuration. Should such be present, the test should not be applied.

The test consists in introducing into the conjunctival sac of the eye several drops of either undiluted raw mallein or a solution of precipitated mallein (0.1 to 0.2 c.c. per horse). This may be introduced either with the aid of an eye dropper or preferably with a camel's-hair brush by applying the brush gently along the inner surface of both the upper and lower eyelids. The other eye is not treated, but serves as a control for comparison of the reaction. For the testing of horses in the same stable the same eye dropper or camel's-hair brush may be used for all animals, but the dropper or brush should be sterilized before use upon different lots of horses.

As soon as the mallein is introduced into the eye practically all animals show a lachrimation, increased reddening of the conjunctiva and slight photophobia. No significance should be given to these symptoms. They disappear in one or two hours. A pseudo-reaction can be produced by artificial or accidental irritation of the eye.

The characteristic manifestation of the reaction for glanders commences as a rule from 5 to 6 hours and lasts 24 to 36 hours, sometimes longer. It consists of a purulent discharge from the conjunctival sac which is typical and is frequently associated with reddening, swelling, and gluing of the eyelid. It is advisable to examine the tested animals in a good light from 12 to 24 hours, or preferably 16 hours, after the application of the test.

A suppurative discharge of varying quantities is considered a positive reaction. The conjunctiva and the eyeball should also be included in the examination after examining the discharge. By removing the purulent discharge (either by the stable attendant or by the animals licking each other, etc.) the positive result may be obliterated. In such cases dried pus may be frequently found on the parts around the

eye, or the exposure of the conjunctiva by means of pressure by the thumb and finger will show fresh, purulent material.

Generally the positive opthalmic reactions are not accompanied by fever or systemic disturbances. Occasionally, however, affected horses are hypersensitive to such a degree that even the few drops of mallein placed in the eye may enter the circulation and produce fever. Therefore, it is advisable, when possible, to accompany the opthalmic reaction with temperature readings. For this purpose the temperature should be taken twice, the first time when the eye test is being made, and the second time when it is judged. In a doubtful eye reaction where there is an increased temperature of  $1\frac{1}{2}$  degrees F., the test should be considered positive if the animal had a normal temperature at the time the test was made.

In the absence of any secretion the test should be considered negative. When there is a mucous secretion or lachrimation during the period of reaction the test must be considered as atypical, and in such cases it may be repeated the same day, when as a rule the results are more confirming.

The application of the opthalmic test should not be repeated more than three times on the same animal within a short period, as experiments show that the reaction after the third application made within three months usually loses its intensity in positive cases and on subsequent tests may be entirely absent. In cases where the results of the second test immediately following the first test are atypical, the blood of such animals may be drawn and forwarded to a laboratory for the serum diagnosis, as the instillation of opthalmic mallein does not influence this method of diagnosis. From experience gained with the eye test such a procedure would become necessary only in a comparatively few cases. In the control of glanders, animals may be retested every six months with satisfactory results.

The mallein for the eye test is a clear, sirupy, dark brown liquid, giving off a rancid, disagreeable odor. This mallein is supplied in small vials of three sizes containing, respectively, 1 cubic centimeter, 2 cubic centimeters, and 3 cubic centimeters of mallein. One cubic centimeter is sufficient for testing 10 horses. Each bottle is dated, and the mallein

is not recommended for use longer than three months after the date on the bottle. Bureau of Animal Industry opthalmic mallein will be furnished by the Livestock Sanitary Board for official tests.

The results of the test should be recorded as follows:

N=Negative. Eye unchanged.

S=Suspicious. Seromucous discharge.

P+=Positive. Seromucous discharge with purulent flakes.

P++=Positive. Distinct purulent discharge.

P+++ =Positive. Purulent discharge with swelling of the eyelids.

P++++=Positive. Strong purulent discharge with swelling and gluing together of both lids.

### INSTRUCTIONS FOR FORWARDING BLOOD SERA AND TISSUES FOR EXAMINATION.

In forwarding blood sera for the complement-fixation test, four to six ounces of blood should be obtained. The blood must be permitted to coagulate and two or four drams of sera drawn off. The sera should be preserved in a one-half of one per cent solution of carbolic acid. A fresh solution of carbolic acid must at all times be used. An easy way to determine a one-half of one per cent solution is to add one part of a five per cent solution to nine parts of sera.

The container must be marked in such a way as to positively identify the sera. It must be given a serial number; also a complete description of the animal, the name of the owner, and the name of the inspector forwarding the sample together with a notation relative to the disease to be diagnosed.

Blood is most easily drawn from the jugular vein but where, for unforeseen circumstances, it is difficult to secure the blood from the jugular, sufficient blood may be obtained by incising into the coccygeal vein at the end of the tail.

Tissues for bacteriological and pathological examination where the time en route will not exceed five days should be packed in borax. The container must be completely filled with borax and tightly sealed.

Tissues for pathological examination may be forwarded in a tightly sealed container containing a four per cent solution of formaldehyd.

Tissues or material forwarded for microscopical and inoculation purposes should be forwarded in a tightly sealed container, containing a solution of equal parts of glycerine and boiled water.

Tissues or material forwarded for chemical analysis should be placed in a tightly sealed container without preservative and forwarded immediately. When a preservative is absolutely necessary on account of weather, time to elapse en route, and container at hand, alcohol may be used.

Tissues or material suspected or known to contain the infection of Foot and Mouth disease or Anthrax or other extremely or dangerous infectious contagious disease must be forwarded in containers which are sealed with solder. After being soldered and before being packed the container must be immersed in one of the permitted disinfectants.

In every instance complete data giving the description of the animal, the name of the owner, locality, disease suspected, character of tissues and name of the inspector forwarding the material, must be attached to the container. In addition to this a letter must be immediately dispatched to the laboratory advising them of the shipment and confirming and supplementing the data attached to the container.

Excepting where a chemical analysis is desired of stomach contents it is not necessary to forward a great mass of material. Small sections only of each organ or tissue involved will usually be sufficient. The package in all cases should be neatly packed and forwarded without delay.



**LIVE STOCK SANITARY BOARD ORDERS.****Order No. 5.****Regulations Relative to Tuberculosis in Cattle.**

1. All tubercular animals, or animals reacting to the tuberculin test, must be segregated immediately.

2. All stables, corrals and barns where tubercular animals are known to have been housed, must be thoroughly disinfected under the personal supervision of an inspector of the Livestock Sanitary Board. This disinfection must take place within five days after registered quarantine notice is given owner, unless special permission is received from the State Veterinary Surgeon.

3. No employee or person shall be allowed to handle or milk diseased cattle and thereafter handle or milk healthy cattle, unless he or she change their clothing and thoroughly wash and cleanse their hands.

4. Unless the owner or person in charge of reacting animals makes a written request, within ten days after animal or animals have been quarantined, that he or she desires to employ the Bang System or hold the animals in quarantine for other lawful purposes, all reactors to the tuberculin test shall be ordered destroyed by the State Veterinary Surgeon.

5. At the discretion of the State Veterinary Surgeon, a reasonable time (which time is to be determined by the State Veterinary Surgeon) may be given the owner to confine and isolate away from all other animals and quarantine in a suitable place all reactors to the tuberculin test, or cattle known to be diseased with tuberculosis.

6. No milk or dairy product from a tubercular animal, or an animal that has reacted to the tuberculin test, shall be used for human consumption.

7. No milk or dairy product from a tubercular animal, or an animal that has reacted to the tuberculin test, shall be used for feeding any animal, until after such milk has been properly pasteurized.

8. Any violation of the rules and regulations of the Livestock Sanitary Board will necessitate the immediate slaughter of all reacting animals.

Sept. 23, 1913.

**Order No. 6.****Regulations Relative to Dourine in Horses.****Regulation No. 1.**

Whenever the Board, when in session, or the State Veterinary Surgeon, when the Board is not in session, after investigation, determines that an emergency exists in any part of the State demanding the same, it or he may direct and proceed at once to seize and immediately castrate any stud found running at large contrary to law, without holding the same for five days or for any time.

**Regulation No. 2.**

The State Veterinary Surgeon be, and is hereby authorized to gather all studs found running at large on the open range in violation of law, and to castrate them, and, if found diseased, to castrate or destroy them, the expense thereof to be borne by the owner of such studs.

**Regulation No. 3.**

All owners of stallions or mares, shall, when demanded to do so by the State Veterinary Surgeon or his deputy gather all their stallions and mares and have them at a given place on a date named by the State Veterinary Surgeon or his deputy, for the purpose of having the same tested or examined.

**Regulation No. 4.**

No animal shall be bred in any restricted district until stallions have been tested and found free from disease, and no mare that has been exposed to dourine shall be bred until she has been blood tested and released.

**Regulation No. 5.**

Whenever it shall be determined necessary by the State Veterinary Surgeon or his deputy, all owners of animals tested for dourine shall immediately brand such animals with a number so as to identify same, with the number on such part of such animal as may be determined by the State Veterinary Surgeon or his deputy.

**Regulation No. 6.**

Any animal reacting to the blood test for dourine shall be immediately branded by the owner with a "D" on the left jaw. All mares afflicted with dourine shall be destroyed and all stallions shall either be destroyed or castrated subject to the approval of the State Veterinary Surgeon. No animal so castrated shall be released from quarantine within a period

of six weeks, and no animal afflicted with dourine shall be allowed to run on the open range.

July 14, 1913.

**Order No. 7.**

**Regulations Governing Tuberculin Reactors Held in  
Quarantine.**

1. Owner or agent in charge must file with the State Veterinary Surgeon a written request for permission to hold tuberculin reactors in quarantine.

2. Owner or agent in charge must file with State Veterinary Surgeon a list containing names and description of all cattle held in quarantine.

3. Owner or agent in charge must report in writing the death or disposal of any animals quarantined.

4. When the "Bang" or other system of breeding out tuberculin reactors is employed, the owner or agent in charge must within thirty days report in writing to the State Veterinary Surgeon all animals bred to a tuberculin reactor, and all animals so bred must be held in quarantine until tuberculin tested and released by the State Veterinary Surgeon. All calves sired or calved by a tuberculin reactor must likewise be held in quarantine and tuberculin tested before being released.

5. When the "Bang" or other system of breeding out tuberculin reactors is employed, the expense of tuberculin testing shall be borne by the Live Stock Sanitary Board, provided the services of a deputy state veterinary surgeon for such tuberculin test are not necessary or requested oftener than once in every six months; and provided further, that animals so quarantined shall have been in the State of Montana one hundred and eighty days or more previous to their reacting to the tuberculin test. Where the services of a deputy state veterinary surgeon are necessary or requested oftener than once every six months for testing any or all of a quarantined herd, and where animals have not been in the State of Montana one hundred and eighty days or more previous to their reacting to the tuberculin test, then the owner must pay all necessary expenses pertaining to such test.

October 1, 1914.

**Order No. 8.****Regulations Governing the Sale, Distribution and Use of Anti-Hog Cholera Serum, also the Sale, Distribution and Use of Serum and Virus within the State of Montana.**

1. All anti-hog cholera serum sold within the State or imported into the State of Montana for sale, distribution or use, shall be produced under a license issued by the United States Bureau of Animal Industry, Department of Agriculture.

(a) The use of anti-hog cholera SERUM is not restricted in any way.

2. The sale, distribution or use of VIRUS shall be prohibited except under the following conditions, to-wit:

(a) All VIRUS used for immunizing hogs against cholera shall be administered by veterinarians who are graduates of recognized veterinary colleges, or by owners to whom a permit will be issued by the State Veterinary Surgeon upon being furnished with proof of the fact that such owners are qualified to administer VIRUS without danger of spreading the contagion of hog cholera. In all cases the use of VIRUS by laymen shall be limited to hogs owned by the person to whom permit is granted.

(b) No VIRUS shall be shipped into the State or sold or distributed within the State of Montana unless consigned, sold or distributed to a licensed graduate veterinarian or owner holding permit from the State Veterinary Surgeon.

(c) All hogs subjected to the simultaneous method of immunization, together with all yards, corrals, sheds or feed lots to which said hogs have access (which yards, corrals, sheds or feed lots must not be adjoining a public highway) must be quarantined for a period of not less than thirty days. Conspicuous notice of quarantine shall be posted upon said premises in the form of a placard bearing the words "HOG CHOLERA HERE" in letters not less than 2½ inches in size.

(d) All hogs subjected to the simultaneous method of immunization must be dipped in one of the standard recognized dips before being released from quarantine, and all yards, corrals, sheds or feed lots to which said hogs have had access must be thoroughly cleaned and disinfected. Dipping of hogs, cleaning and disinfecting of yards, corrals,

sheds or feed lots must be done under the supervision of a representative of the Live Stock Sanitary Board.

3. Veterinarians and licensed owners administering SERUM and VIRUS shall immediately render full reports to the State Veterinary Surgeon, giving names and addresses of owners and number of hogs treated.

October 1, 1914.

### **Order No. 10.**

#### **Official Tuberculin Tests.**

1. In the subcutaneous tuberculin test not less than three ante-temperatures at intervals of not more than four hours and not less than two hours, and not less than four post-temperatures beginning at not less than six hours and not more than ten hours after injection, at intervals of not less than two hours and not more than three hours, must be taken by the deputy state veterinary surgeon making the test. In all tests the taking of post temperatures must be carried out until the twentieth hour, at which time, if there is no tendency for the temperature to rise, the test may cease.

2. The intra-dermal test is hereby adopted as an official test for tuberculosis in cattle.

In the intra-dermal tuberculin test the injection must be made in the caudal folds or some such suitable place. The injection must be made intra-dermally. The post-inspection should be made between the sixtieth and seventy-second hour.

September 24, 1916.

### **Order No. 11.**

#### **Certificates from Illinois.**

The order issued January 22, 1912, by the Montana Live Stock Sanitary Board prohibiting the importation of live stock into the State of Montana from the State of Illinois, unless accompanied by a certificate issued by a veterinary inspector in the employ of the United States Bureau of Animal Industry, is hereby recinded.

On and after October 1, 1914, the Live Stock Sanitary Board of Montana will accept shipments from Illinois accompanied by either Federal certificates or certificates issued by recognized veterinarians indorsed and approved by the Live Stock Sanitary Board of Illinois.

**Order No. 12.****Ft. Belknap Quarantine.**

It having been brought to the attention of the Live Stock Sanitary Board that dourine exists on the Fort Belknap Reservation in the State of Montana:

NOW, THEREFORE, by order of the Live Stock Sanitary Board of the State of Montana the territory known as the Fort Belknap Reservation in the State of Montana is hereby quarantined on account of dourine.

It is further ordered that no mares or stallions of any description shall be shipped out of the Fort Belknap Reservation until they have been blood tested for dourine and passed by either a representative of the United States Bureau of Animal Industry or the Live Stock Sanitary Board of Montana.

This order does not restrict the movement of live stock other than mares and stallions.

January 15, 1915.

**Order No. 13.****Prohibiting Importation of Virus.**

By order of the Montana Live Stock Sanitary Board hog cholera VIRUS shall not be imported into the State of Montana or sold, used, or given away, within the State of Montana, unless upon written permit issued by the State Veterinary Surgeon at Helena, Montana.

Hogs within the State of Montana, shall not be double vaccinated unless upon written permit issued by the State Veterinary Surgeon at Helena, Montana, and under the personal supervision of a representative of the Montana Live Stock Sanitary Board.

The use of hog cholera SERUM is not restricted by this order, but all hog cholera SERUM imported into, sold, used, or given away within the State of Montana, must be manufactured under a license issued by the United States Bureau of Animal Industry.

September 28, 1915.

**Order No. 16.****Certificates Accompanying Shipments of Cattle from Wisconsin and New York.**

In accordance with Section 1888, Revised Codes of Montana, 1907, the following regulation is hereby established by the Live Stock Sanitary Board, to govern the admission into the State of Montana, of cattle that originate in the States of Wisconsin and New York.

All cattle of any class that originate in the State of Wisconsin or New York destined to the State of Montana must be accompanied by a certificate of health issued by a veterinary inspector of the United States Bureau of Animal Industry, the inspection to be made in accordance with the regulations of the Live Stock Sanitary Board and the Laws of Montana.

All cattle not accompanied by a certificate of health issued by a veterinary inspector of the United States Bureau of Animal Industry must be held at the state line and be inspected by an inspector of the United States Bureau of Animal Industry or an agent of the State Live Stock Sanitary Board, the expenses of said inspection to be paid by the owner of the stock.

This regulation to take effect July 15, 1915.

**Order No. 17.****Tuberculin Test of Cattle at State Fair.**

IT IS HEREBY ORDERED that all cattle exhibited, offered for sale, or in any way using the Montana State Fair premises during the progress of the annual State Fair, must have passed a satisfactory tuberculin test not more than one year previous to their being exhibited.

Official tuberculin test will be made free of charge upon application to the State Veterinary Surgeon at Helena, Montana.

September 27, 1915.

**Order No. 18.****Certificates from South Dakota.**

Order No. 3, issued September 23, 1913, prohibiting the importation of live stock into the State of Montana from the State of South Dakota unless accompanied by a certificate issued by a Veterinary Inspector of the United



States Bureau of Animal Industry or a veterinarian approved by the United States Bureau of Animal Industry for Canadian mallein testing, is hereby rescinded.

On and after March 20, 1916, the Live Stock Sanitary Board of Montana will accept shipments of live stock from South Dakota accompanied by either a Federal certificate or a certificate issued by an officially certified graduate veterinarian of South Dakota.

March 15, 1916.

#### **Order No. 20.**

#### **Regulation Providing for the Admission of Cattle from Official Accredited Tuberculous Free Herds:**

IT IS HEREBY ORDERED by the Live Stock Sanitary Board of Montana that all cattle from official accredited tuberculous free herds may be shipped into the State of Montana without a tuberculin test chart.

PROVIDED the shipment is accompanied by a statement from the live stock sanitary board, or United States Bureau of Animal Industry, and owner or agent of cattle, that they are from an official accredited tuberculous free herd and are free from symptoms of any contagious infectious disease and

PROVIDED FURTHER that they have been tuberculin tested not longer than nine (9) months previous to date of shipment.

June 7, 1916.

#### **Order No. 25.**

#### **Regulations Governing the Importation of Live Stock and Dogs into the State of Montana.**

In Compliance with Chap. 157 Session Laws 1917.

#### **Horses—Mules—Asses.**

Health certificates including mallein test. Horses, mules and asses may be shipped in without inspection to quarantine yards at Miles City, Dillon or Billings, provided the waybills bear the notation "CONSIGNEE TO QUARANTINE YARDS AT.....MONTANA." Animals so shipped will be inspected and tested at owner's expense by a representative of the Montana Live Stock Sanitary Board before released from quarantine yards. Wild, unbroken range (but not pasture) horses, mules or asses may be shipped into

Montana on a clinical health certificate providing each individual animal is given a clinical chute inspection.

Animals for temporary racing, exhibition or speed purposes may be shipped in on clinical health certificate.

### **Stallions or Jacks.**

In addition to mallein test a certificate of soundness, original of which must accompany shipment, a copy mailed to Stallion Registration Board at Bozeman, Montana, at least ten days before the importation of stallion or jack into the State. No stallion or jack which is neither pure bred nor grade shall be imported into the State of Montana for breeding purposes. A "grade" is defined as an animal whose sire or dam, but not both, is a registered pure bred animal.

### **Cattle.**

All cattle over six months of age (breeding cattle, spayed heifers and steers) brought into the State of Montana must be accompanied by a tuberculin test chart issued by an officially certified graduate veterinarian.

EXCEPTING that strictly range cattle shipped directly from the range sections of Arizona, California, Colorado, Idaho, New Mexico, Oklahoma, Texas, Wyoming, North and South Dakota west of the Missouri River, Kansas and Nebraska west of the 100th Meridian, Alberta, Saskatchewan and British Columbia need not be accompanied by a tuberculin test chart but must be accompanied by a clinical health certificate issued by an officially certified graduate veterinarian.

All bulls from any state or territory, Canada or Mexico must be accompanied by an official tuberculin test chart.

All pure bred cattle shipped into the State of Montana from other than FEDERAL OR STATE OFFICIALLY ACCREDITED TUBERCULOSIS FREE HERDS must be shipped into quarantine and held for an official tuberculin retest not less than sixty days after their arrival. This retest will be made free of charge.

Cattle from a public sale yard, with the exception of range cattle certified by the Federal Inspector in Charge as coming directly from the above designated range sections, must be accompanied by a Federal tuberculin test chart.

Cattle, with the exception of cattle from FEDERAL OR STATE OFFICIALLY ACCREDITED TUBERCULOSIS FREE HERDS, from New York and Wisconsin must be accompanied by a Federal tuberculin test chart.

Cattle from FEDERAL OR STATE OFFICIALLY ACCREDITED TUBERCULOSIS FREE HERDS may be shipped into Montana without a tuberculin test chart when accompanied by a statement from the Live Stock Sanitary Board or United States Bureau of Animal Industry, and owner or agent of cattle, that the cattle shipped are from an officially accredited tuberculosis free herd which has been tested not longer than nine (9) months previous to date of shipment, and are free from symptoms of any infectious-contagious disease.

Calves from other than strictly range cows from above excepted area must be accompanied by an official clinical health certificate stating that they are from cows which have been tuberculin tested and found free from tuberculosis.

Cattle for immediate slaughter (NOT LONGER THAN SEVEN DAYS AFTER ARRIVAL AT DESTINATION) may be shipped into Montana without a health certificate if accompanied by a statement from owner or agent that animals are for immediate slaughter and will be slaughtered within seven days after arrival at destination.

### Hogs.

Hogs for breeding or feeding purposes must be accompanied by a clinical health certificate stating the animals do not come from a public stock yard or a district in which hog cholera has existed during the past six months, and provided the animals have not been double vaccinated, or at least ninety days have elapsed since they were double vaccinated. Hogs may be shipped from a district where hog cholera has existed during the past six months provided they are shipped not earlier than thirty days and not later than sixty days after receiving the single vaccination and, provided further, that they have been kept since vaccination on a premise or farm on which hog cholera has not existed for the past six months.

### **Hogs for Slaughter.**

Health certificate.

### **Hogs for Exhibition.**

All swine to be exhibited in Montana at state or county fairs must be accompanied by a certificate showing they have been immunized by the single vaccination not less than fifteen days and not more than sixty prior to their shipment or double vaccinated not less than ninety days previous to their shipment.

All hogs shipped into Montana must be loaded through cleaned and disinfected pens and chutes into disinfected cars and must not be unloaded in any public stock yard unless stock yard has been specially disinfected for that purpose.

### **Sheep.**

Health certificate and shipped in disinfected cars. Sheep for grazing purposes, or feeding, must be inspected upon their arrival at railroad destination in Montana by a Montana Inspector, and quarantined for ninety days on land owned, leased, or controlled by the owner of the sheep. Bucks and ewes for dissemination to other bands for breeding purposes shall be dipped twice with an interval of ten days under the supervision of a Montana Inspector and quarantined for at least ninety days on land owned, leased or controlled by the owner. In all sheep shipments five days notice must be given the State Veterinary Surgeon's office at Helena before the arrival of the sheep in Montana. Inspection and supervision of dipping free of charge.

### **Disinfection of Cars.**

Disinfection of cars does not apply to box-cars which have not been previously used for stock shipments.

### **Dogs.**

All dogs originating in any state or territory of the United States, the District of Columbia, the Dominion of Canada or the Republic of Mexico must be accompanied by a statement from the state or government health officer, or the state veterinarian, that rabies has not existed for the past nine months within a radius of fifty miles of origin of the shipment and also by a statement from the owner or agent of the animal that the dog or dogs are to the best of

his knowledge free from disease and have since birth, or during the past nine months been at all times within the radius designated by the official health officer or state veterinarian. A copy of these statements must be forwarded to the State Veterinary Surgeon at Helena, Montana.

Dogs which cannot comply with this regulation must be accompanied by a permit from the State Veterinary Surgeon at Helena, Montana.

This regulation does not apply to performing animals for temporary stay in Montana.

#### **Hog Cholera Serum.**

All anti-hog-cholera serum sold within the State of Montana, or imported into the State for sale, distribution or use, shall be produced under license granted by the United States Department of Agriculture, Bureau of Animal Industry.

#### **Hog Cholera Virus.**

All serum manufacturers are hereby prohibited from shipping any virulent blood or hog cholera virus into the State of Montana, unless written permission to do so is granted by the State Veterinary Surgeon.

#### **Certificates.**

Health certificates and test charts are good for thirty days. The original certificate must accompany shipment to its destination and duplicate immediately forwarded by the veterinarian making the inspection or test to the State Veterinary Surgeon, Helena, Montana.

#### **Who May Inspect.**

Federal, State, Graduate Deputy State Veterinarians, or Graduate veterinarians approved by their State Veterinarian or Live Stock Sanitary Board.

This Order to take effect May 1, 1917.

#### **ORDER NO. 26.**

#### **Agreement for the Tuberculin Testing of Herds of Pure-Bred Cattle.**

WHEREAS, the Montana Live Stock Sanitary Board, for the purpose of improving the pure-bred dairy and beef breeds of cattle in Montana, encouraging recognition of the importance of maintaining herds of such cattle free from tuberculosis, and promoting the interchange of healthy pure-bred cattle, proposes, so far as available funds permit, to co-

operate with the breeders of pure-bred cattle by assisting them to eradicate tuberculosis from their herds and maintain them free from that disease.

NOW, THEREFORE, in consideration of receiving assistance from the said Live Stock Sanitary Board along the lines and for the purpose specified, I, \_\_\_\_\_  
(Name of Owner)

of \_\_\_\_\_ owner of the herd of cattle  
(Postoffice Address)

comprising \_\_\_\_\_  
(Breed and number over six months old)

\_\_\_\_\_do hereby agree  
(Breed and number under six months old)

to cooperate with the said Board upon the following terms:

I will permit my entire herd, or any cattle of my herd, to be tuberculin tested or retested at such times as are considered necessary by the Live Stock Sanitary Board.

I will not present any cattle for the tuberculin test which have been injected with tuberculin within two months immediately preceding, or which have at any time reacted to a tuberculin test.

I will present, prior to each test, to the inspector of said Board, certificates of registration for each pure bred and registered animal offered by me to the tuberculin test, such certificates to be accepted as identification of the animals offered. Any grade females maintained in the herd, or associated with animals of the herd, must be identified by a tag or other marking satisfactory to the Live Stock Sanitary Board.

I will report promptly to the said Live Stock Sanitary Board every transfer of cattle from my herd, giving the identification of the animal and the name and address of the person to whom transferred.

I will cause all animals which show evidence of tuberculosis of the udder or superficial glands, progressive loss of condition or emaciation, or other visible evidence of tuberculosis, to be promptly slaughtered under the United States or Montana meat-inspection regulations, and I will cause the carcasses of said animals to be disposed of according to the meat-inspection regulation of the Live Stock Sanitary Board, based upon the lesions found upon post-mortem inspection.

I will cause all animals which react to the tuberculin test, but which show no other evidence of tuberculosis, to be slaughtered and disposed of as herein provided for animals which show also other evidence of tuberculosis, or I will cause such animals to be removed from the herd and portion of the farm upon which the healthy animals of the herd are maintained to a location approved by the Live Stock Sanitary Board, and I will cause such animals to be maintained in such form of quarantine as may be directed by the Live Stock Sanitary Board.

It is agreed that quarantine reacting bulls may be used for breeding, provided they are held upon the staff, their sexual organs properly disinfected, and the cow restrained by some suitable method so as not unnecessarily to be exposed to tuberculosis from the bull or infected premises.

I will not permit the slaughter of any tuberculous animals as indicated by physical examination or tuberculin test, except at a time and place approved by the Live Stock Sanitary Board.

I will cause, in all cases where the milk or milk products from quarantined reacting cows are to be used for any food purposes whatever, the said milk or products to be first submitted to pasteurization at not less than 140° F. for not less than 30 minutes, or to the point of active boiling; but I will not sell such milk or products in violation of any State, city, or other legislation.

I will cause the calves from quarantined reacting cows to be removed from their mothers at birth, to be maintained upon premises free from infection with tuberculosis, and to be fed upon the milk of cows which have passed a satisfactory tuberculin test or upon the pasteurized or boiled milk of tuberculin reactors.

I will allow no cattle to be associated with my herd which have not passed a tuberculin test approved by the Live Stock Sanitary Board. I will keep all new cattle separated from my herd pending the approval of the tuberculin test or the application of a tuberculin test by an inspector of the Live Stock Sanitary Board. I will notify the Live Stock Sanitary Board immediately, giving details of the identification characteristics and records of tuberculin test of any cattle which may be added to my herd.



I will surrender any premises contaminated by tuberculous animals, as indicated by a physical examination or a tuberculin test, to a thorough cleaning and disinfection, at my expense, under the direction or supervision of the Live Stock Sanitary Board. I will comply with all reasonable sanitary measures and other recommendations by the Live Stock Sanitary Board for the control of tuberculosis.

Violation of the letter or spirit of this agreement by me shall be considered sufficient cause for the immediate cancellation of this agreement and the withdrawal of cooperation by the Live Stock Sanitary Board.

IN WITNESS WHEREOF, I have signed this agreement this..... day of....., one thousand nine hundred and.....

.....  
Owner of the.....herd.

Address.....

Witness:.....

### Order No. 27.

#### Official Charges for Interstate Inspections.

The following official charges for interstate inspection of livestock have been adopted by the Livestock Sanitary Board:

Sheep, physical inspection, \$8.00 per day and expenses.

Cattle, physical inspection, \$8.00 per day and expenses.

Swine, physical inspection, \$8.00 per day and expenses.

(If inspection is made in resident city of veterinarian making inspection, three cars or under shall be classified as one-half day.)

SWINE, immunization, \$ .25 per head. Owner to furnish serum, help, and incidental materials.

HORSES, physical inspection, \$2.50 per car and expenses. (Minimum charge \$5.00.)

**HORSES, Mallein testing:**

When test is made in locality other than resident city of veterinarian conducting test, \$1.00 per head and all necessary expenses with a minimum charge of \$15.00.

When test is made in resident city of veterinarian conducting the test, the charge will be \$1.00 per head and expenses with a minimum charge of \$5.00.

**TUBERCULIN TESTING:**

The charge for tuberculin testing will be the same as for mallein testing.

Mallein and Tuberculin testing in mixed shipments will be charged for as one test.

When two or more inspections are made at different points in one day, two days may be charged.

Disinfecting stock cars: \$8.00 per diem and expenses.

Helena, Montana, July 5, 1917.

**Order No. 28.****Brands Owned by the Live Stock Sanitary Board; Use for Each Brand:**

Cattle, on left side of neck.

**Z** Sheep, on left side of nose.

To be used for any acute contagious disease  
not covered by brands given below.

Horses, on left jaw.

**Q** For reactors to the blood test for dourine  
and clinical cases of dourine.

Horses on right jaw. For reactors to mallein  
test and clinical cases of glanders.

**T** Cattle, on right jaw. For reactors to tuber-  
culin test and clinical cases of tuberculosis.

**S** Red Paint brand for sheep on right side. To  
be used on sheep quarantined for any  
purpose.

Helena, Montana, July 5, 1917.

**Order No. 29.****Marking Animals for Identification.**

In tuberculin testing cattle, each animal must be marked in such a way as to be identified without doubt at the time the post temperatures are taken, or the post observation made. Either metal tags or sheep paint—preferably blue color—must be used in identifying animals.

In testing horses for any disease the animals must be identified by branding, painting or the use of a metal tag, or minute description.

Helena, Montana, July 5, 1917.

**Order No. 30.****Official Accredited Tuberculous Free Herds.**

IT IS HEREBY ORDERED that to be eligible for classification as an Official Accredited Tuberculous Free Herd, the animals in the herd must have passed three (3) semi-annual or two (2) annual negative official tuberculin tests.

Dated at Helena, Montana, July fifth, 1917.























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